

Seeking Justice at the Court of the Khans of Khiva

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Seeking Justice at the Court of the Khans of Khiva

(19th–Early 20th Centuries)

Paolo Sartori
Ulfat Abdurasulov



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Preface and Acknowledgments

This book originates from a casual conversation which took place in the historical citadel of Khiva nearly a decade ago. In August 2010, we were on a field-research mission to inspect collections of Islamic manuscripts located in remote collective farms in the region of Khorezm, in the territory of Uzbekistan and the subsidiary republic of Qaraqalpaqstan. Rumors had it that private libraries, which had been preserved throughout the Soviet period, were becoming the subject of public attention in those days. In several instances farmers had appeared before local authorities in the city of Urgench (Uzbekistan) and brandished legal deeds crafted in the 19th century to lay claim on the land, which once, so they said, had belonged to their ancestors. In other cases, heirs to families of scholars (*‘ulamā*) from Khoja-eli (Qaraqalpaqstan) were deploying their ‘genealogical charts’ (*shajaras*) and ‘initiativ affiliations’ (*silsilas*) to boast of their privileged status before village communities, a move which soon gave a spur to conflicts over moral authority.

Excited to find out more about how in post-Soviet Central Asia people were deploying texts coming from a distant past, we hit the road towards Khiva to meet our informants. Taken by surprise by the sweltering heat of the summer in Khorezm, we found shelter in the cramped room of one of the cells of a madrasa dating back to the reign of Muḥammad Raḥīm Khān Fīrūz (1864–1910). The premises, once called upon to serve as a haven for students, had been recently repurposed as the office of Komiljon Khudaybergenov, an employee of the State Historical Museum. Proceeding from one topic in the history of the Khanate of Khiva to the other, Khudaybergenov unexpectedly laid out on the table what at first looked like a standard student notebook of the Soviet period. The only distinguishing feature of this otherwise uninspiring item was that it was elegantly written by hand in the Arabic script, not in Cyrillic as one would have expected. The notebook belonged to one ‘Abdullāh Bāltāev (1890–1966), a native of Khiva who during the 1950s and 1960s authored an impressive number of works (nearly ninety) covering a dazzling range of topics about the pre-Soviet history of Khorezm.¹ Most of his ‘notebooks’ (*daftar*, as he himself titled them) are in fact a bricolage of personal observations, stories recounted from memory, copies of records found in the archives, and excerpts of court chronicles written during the rule of the khans of Khiva. Several of them had been known for years because Bāltāev had written them upon commission

1 K. Abdullaev, *Naqshlarga bitilgan umr: Abdulla Boltāevning hayoti va ijodiy faoliyati* (Tashkent: Ghafur Ghulom nomidagi Adabiyot va sanʼat nashriyoti, 1995).

by Uzbek academics, who in turn bequeathed them to the al-Beruni Institute of Oriental Manuscripts in Tashkent in the 1960s. The majority of his *daftar*s, however, have been jealously preserved by his descendants in Khiva and thus inaccessible to historians from abroad. Coming back to the one notebook laid out before us, we immediately noted something puzzling about it. The title read as follows: ‘The first part of this *daftar* is devoted to the submission of ‘*arʿ* in the Khanate of Khiva.’² It took us some time and a good dose of head-scratching to find out that the a section of the notebook was in fact a detailed account about the court protocol to hear complaints (‘*arʿ*) from the population at the court of the khans of Khiva.

At that time we knew from modern studies of Islamic law under the Mamluks of Egypt about the institution called *mazālim*, which functioned as an appellate court. We were also familiar with scholarship devoted to Ottoman history, which has shown how subjects often appealed to the chancery (*dīwān*) of the Sultan with a grievance (*shikāyat*) to seek redress.³ We were unclear, however, as to whether the same system applied in the Ottoman Empire – a system in which litigations were heard either by judges (*qāzīs*) out of their own volition or by the royal court⁴ – was enforced in Khorezm and Central Asia in general. Therefore, nothing seemed more appropriate than to delve into Bāltāev’s work. Reading the following extended quotation⁵ will help, we hope, reproduce in purely dramatic terms how we proceeded into discovering what the ‘*arʿ* was:

Having exited the private apartments (*īchkarī ḥarām*), every day, [approximately] two and a half hours before sunset, the khan spends time in the audience hall (*kūrūnīsh-khāna*) near the marble stone, sitting on the wooden podium called ‘the throne’ (*takht*), on the spot marked [in the drawing] with the number ‘1.’ Said throne was usually covered with felt carpets. The khan sat facing the entrance door, which is marked with the number ‘7,’ for it was through this door that the people (*khalq*) came close to him in order to submit a petition (‘*arʿ*). After the khan entered [the audience room] and took his place, one of the heads of the [palace] guard (*shāṭirlār bāshlīghī*) went out to the gates of the palace, where usually the subjects (*fuqarā*), coming from every district (*rāyūn*), village and city,

2 1 – *ūshbū daftar*da Khīva khānlīgīnī ‘*arʿ* surāsh tartībī yāzılghān.

3 See *infra* for a discussion of this scholarship.

4 J. Baldwin, “Petitioning the Sultan in Ottoman Egypt,” *Bulletin of the School of Oriental and African Studies* 75.3 (2012), pp. 499–524; S. Ayoub, “‘The Sulṭān Says’: State Authority in Late Ḥanafī Tradition,” *Islamic Law and Society* 23.3 (2016), pp. 239–278.

5 ‘Abdullāh Bāltāev, *Daftar* (no. 22), MS Khiva, Private collection of Odilbek Abdullaev, fols. 55–64 (Western pagination).

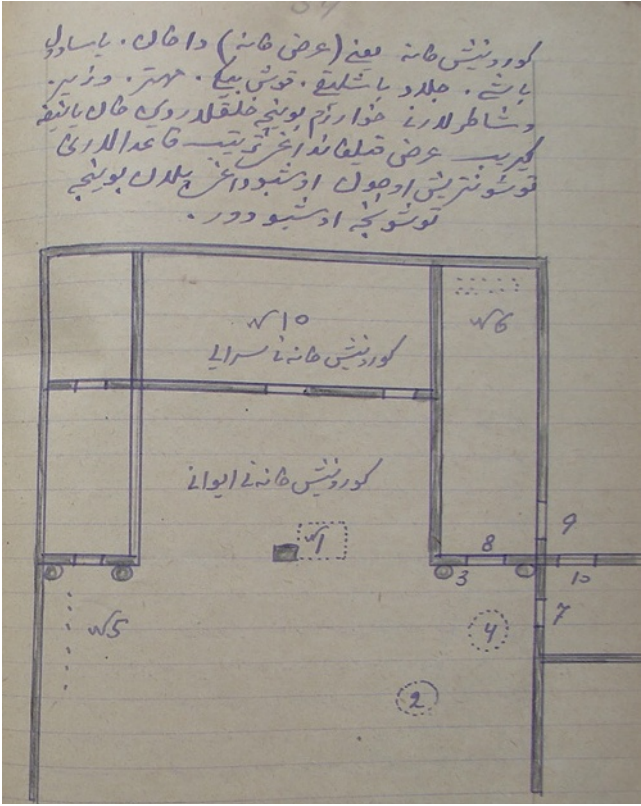


FIGURE 1 The audience hall (*kūrūnīsh-khāna*) for the ‘arż in the royal citadel, Khiva. Drawing by ‘Abdullāh Bāltāev. Particular of *Daftar* (no. 22), MS Khiva, Private collection of Odilbek Abdullaev, fol. 54 (Western pagination).

gathered at the appointed time to submit a petition (*‘arż qilish ūchūn*). Turning to him, the chief of the guard exclaimed: ‘If among you there are people who have come for the ‘arż, come in!’ Upon hearing this call of the guard, the people in waiting passed through the gate to the courtyard of the palace, whence each petitioner, in order of priority, one by one, walking through the door [marked] with the number ‘7’ was supposed to enter another room [marked] with the number ‘4.’ No matter how many people arrived, each of them had to proceed to the room [marked] with no. ‘4,’ where they would stand. From this point, the petitioner, standing and facing the khan, greeted the ruler, then with his arms folded, said: ‘Sovereign, I have a request (*taqşīr ‘arżīm bār*)!’ To which the khan [usually] replied: ‘Speak out!’ Meanwhile, the *yasāvulbāshī*, who was in charge

of the political affairs of the khanate (*siyāsī ishlarī*), and who attended the ceremony on the spot [marked] with the number '3,' turned to the petitioner and in a threatening voice repeated: 'Speak out!' Upon hearing such a loud voice, and fearing possible punishments, [often] the petitioner became speechless and could not utter a single word. At that point the khan ordered: 'Take him!' Upon hearing this order, the *yasāvulbāshī* shouted out in the same threatening voice the [following] order to the executioners: 'Take him!' The head of the executioners, who too was standing on the spot [marked] with no. '3,' grabbed the afore-mentioned subject violently (*ghaḥab birlān*) and led him through the door [marked] with the number '8' into a long room [marked] with the number '6.' Here the petitioner is entrusted to special executioners (*makhṣūṣ jallād*). The petitioner will stay here until the khan passes an order to the *yasāvulbāshī* as to how to proceed. Meanwhile, the head of the executioners, returning [to the audience room], again takes his place [marked] with the number '3.' After some time, the next petitioners will come again to the khan through the door [marked] with the number '7.' Following the same procedure, they will appeal to the khan. If any of them, without fearing the menace [of the *yasāvulbāshī*] and remaining firm, can speak out, then the khan will order: 'Go outside and wait!' Upon hearing these words, the same *yasāvulbāshī*, in the [usual] threatening voice, will repeat the command to the petitioner. At which order, the petitioner will proceed to go out passing through the doors [marked] with the numbers '8, 9, 10.'

It was only when we reached the end of Bāltāev's memoirs that we could clarify conclusively that the legal system of *ʿarż*, which the Khivan savant referred, was in fact far removed from what we had learnt from studies devoted to the legal history of other regions of the Islamic world. In 19th- and early 20th-century Khorezm, justice was firmly in the hands of the Qonghrats, the dynasty ruling over the region, and therefore the subjects of the khans brought their affairs to whom was in power, either locally or at the center of the khanate. Here is how Bāltāev explained the matter:

[...] Each city and district in the region of Khorezm, that is in the Khanate of Khorezm, is [administered by] a separate governor (*ḥākīm*). If the people living in this area had to file claims, they appealed to the governor of their own district (*khalqlārñī daʿvā ishlarī būlsa shūl rāyūndāgī ūzīnī ḥākīmīgha ʿarż qīlādī*). If the claims were particularly serious, the governors could not solve them, [and so] the people went to Khiva to appeal to

the khan. This is why petitioners came before the khans in the manner we explained above to submit their serious claims for consideration. For this reason, every day [the khan] heard two or three major cases, [submitted by people coming from all over] Khorezm. If [there were a great number of such cases], he often heard four or five, but no more [than that]. For this reason, every day the khan went to the audience room, where he sat on the afore-mentioned throne for 15, but no more than 20 minutes. He did so both in winter and in summer, and even when it snowed. After hearing the petitions, the khan dismounted from the throne and entered a large edifice (*sarāy*), under a portico [marked] with the number '10.' As he sat there, 32 high officials entered to greet the khan (*salām birīb*). Some of them stayed in this edifice [with the ruler]. Others left as soon as they greeted him. Among the high-rank officials, the *qūshbīgī*, the *mihtar*, the *yasāvulbāshī*, as well as the *maḥrams*, and the *īshūk-āghās* were obliged to stand beside the khan starting from the submission of the petitions until he left for his private apartments. Because if the khan orders that someone be executed, imprisoned or beaten with a whip because for some reason he became angry, when such order is issued, [the abovementioned officials] should stand beside him. Even after the khan left for his private apartments, [the abovementioned officials] were supposed to stay at that place for about 10–15 minutes, and only if no order followed during this time, could they then go. These were the procedures and rules to submit petitions to the khans. I have seen with my own eyes how among the khans of Khorezm, Fīrūz Muḥammad Raḥīm Khān, his successor Isfandiyār Khān, and his successor Sayyid 'Abdullāh Khān, from the late 19th to the early 20th century, followed such procedures [to hear] the petitions submitted [to them]. I wrote them down from my own memory for whomsoever among our offspring in the future may show an interest in history.

As soon as we closed Bāltāev's *daftar*, our search for more information on the 'arż began. We had found out that there was a highly distinct way for subjects of the khans of Khiva to seek redress. But we did not know how to *document* it. No one prior to us had ever noticed the phenomenon and our informants in Khorezm tended to dismiss the historical significance of our *trouvaille*. 'Bāltāev noted down every kind of trivia!' – this is what we were told time and again. But there was a further layer of complexity. At that time we were granted access to a massive documentary corpus consisting of records issued by *qāżīs* in Khorezm in the 19th and early 20th century, which had been recently catalogued. Those legal deeds said nothing about the 'arż. One could say that the

legal system called *ʿarż* and the *sharʿa* courts presided over by judges were far removed from each other, if not two worlds apart. In fact, they were not. Upon our return to Tashkent, we pursued our investigation further. And it was again by chance that, while looking in the al-Beruni Institute for works crafted in Khorezm which could shed more light on the *ʿarż*, we came across yet another *daftar* penned by Bāltāev. We had barely begun to leaf through it, when we found a description of a case of manslaughter occurring in the Khanate of Khiva at the turn of the 20th century.⁶ The case involved two peasants in the province of Shavat: one went by the name of Īgām Birdī Raḥīm Birdī ughlī, the other was known as Jumʿa Niyāz Ātash ughlī. The matter at stake was their respective water shares: each party blamed the other for having used more than their fair share of water for purposes of irrigation. It was an ordinary affair, to be sure, which originated from a trivial complaint: ‘You took too much of it, while I had less’ (*san suvnī kūb ichdīng man āz ichdīm dīb*). However, the conflict quickly morphed into a quarrel with the peasants insulting each other and coming to blows. Īgām Birdī hit Jumʿa Niyāz on the head with the handle of a shovel. As a result of the injuries caused by the strike, Jumʿa Niyāz died. As soon as the people informed the father and relatives of the victim about the incident, they got hold of the culprit, tied him up, loaded him on a cart, and hit the road to Khiva. Upon arrival in the city, the father of the deceased secured permission to appeal (*ʿarż*) to the royal court and sought a fair retribution. During the hearing in the presence of the sovereign, the accused Īgām Birdī acknowledged that his strike proved fatal for his opponent. This was enough for the ruler, Muḥammad Raḥīm Khān II, to sentence Īgām Birdī to death by hanging (*dārgha āsīb*). Dissatisfied with such a decision, however, Ātash, the father of the victim, appealed to the ruler once again: ‘Your Majesty,’ he said, ‘let me kill this man with my own hands, for only in this way will I take [revenge for] the blood of my son’ (*taqşir bu ādamnī uldīrīsh ikhtiyārīnī menga bersāngīz chūn-ki ūz qūlīm birlān uldurub ūghlīmīnī qānīnī ālsām dīb*). Muḥammad Raḥīm Khān II allowed the aggrieved party to take revenge. Meanwhile, having learned about this decision, the parents and the relatives of Īgām Birdī too appealed to the khan and pleaded to entrust the capital punishment to the executioners. However, the ruler turned down the appeal. We shall now gloss over Īgām Birdī’s public dismemberment, which Bāltāev describes in gruesome detail. The execution took place before the eyes of his relatives, we learn, who unable to tolerate all that horror, abandoned themselves to despair.

6 ʿAbdullāh Bāltāev, *Daftar*, MS Tashkent, Institut Vostokovedeniia im. Abu Reikhana Beruni Akademii Nauk Respubliki Uzbekistan [henceforth IVANRUZ], inv. no. 11978, fols. 18a–19a.

Nothing could be done to avoid that revolting sight, Bāltaev reminds us, for all that affair represented the 'sovereign's wrath' (*pādishāh ghaẓabī*).

The episode described by Bāltaev may seem familiar to many. Indeed, almost no Khorezmian travel account by European authors went without reports of thieves hanging from gallows,⁷ or escaped slaves impaled on stakes, dying agonizing deaths. The picture was usually further embellished with accounts of a special hole in the central square in front of the Khan's palace, where those suspected even of minor crimes would have their throat slit.⁸ 19th-century travelogues thus offer a bleak picture of the dispensation of justice in Khiva, where judicial power was disposed of according to the mere whim of the despotic khan, ready to take his subjects' lives for the smallest fault.⁹

It is of course true that 19th-century Central Asian regimes were far from a model of humanity and tolerance by any contemporary standard. The rulers of the Uzbek khanates were merciless towards their political opponents, whom they often had killed either publicly, or in secret;¹⁰ one notes, for example, records from the khan's chancery, which inform us about rewards given to participants of raids for delivering the ears and heads of enemies.¹¹ In addition, it appears that Persian or Russian slaves caught committing crimes, or trying

7 [Turpaev], "Dnevnik perevodchika armianina Turpaeva, poslannogo v 1834 g. iz Novo-Aleksandrovskego ukrepleniia v Khivu (perevod s armianskogo)," in M.N. Galkin, *Etnograficheskie materialy po Srednei Azii i Orenburgskomu kraiu M.N. Galkina* (St. Petersburg: Izdanie Ia.A. Isakova, 1868), p. 284.

8 Anon., "Razboinich'e gnezdo," *Illustrirovannaia nedelia* 50 (25 December) (St. Petersburg, 1873); E. Lobasevych, "Pokazaniia russkikh plennykh, byvshikh v Khive, dannoe 16-go iunia Orenburgskomu general-gubernatoru," *Turkestanskii Sbornik*, vol. 42 (St. Petersburg, 1871), p. 89.

9 It is remarkable that this narrative continued to develop in the later historiography of the Soviet and even post-Soviet periods, see M. Niiazmetov, *Poisk konsensusa. Rossiisko-khivinskie geopoliticheskie otnosheniia v XVI–nachale XX v.* (St. Petersburg: Peterburgskoe vostokovedenie, 2010), pp. 113–115.

10 On the details of brutal assassination of the political opponents by the Qonghrat dynasts, see Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUZ, inv. no. 9596, fols. 330a, 331a, 357a; Muḥammad Rizā Āghāhī, *Gulshan-i dawlat*, IVANRUZ, inv. no. 7572, fol. 15a; 'Abdullāh Bāltaev, *Khwārazm ta'rikhīga matiriyallār* (Khiva 1950), MS Tashkent, IVANRUZ, inv. no. 9320, fols. 5a–6b.

11 TsGARUZ, f. I-125, op. 2, d. 82. ll. 1–2; d. 83, l. 1. TsGARUZ = Tsentral'nyi Gosudarstvennyi Arkhiv Respubliki Uzbekistan, Central State Archive of the Republic of Uzbekistan. Abbreviations used in references to Russian archives: f. (fond), holding; op. (opis'), inventory; d. (delo), file; l. (list), sheet; ob. (oborot), verso.

to escape on multiple occasions, were often condemned to exemplary executions, including impalement on stakes.¹²

However, it need not be that the investigation of any wrongdoing, either a misdemeanor or a felony, inevitably ended in the ruthless punishment of the accused. It is only when we go beyond the emphasis on capital punishment that we begin to appreciate the specific features of the *ʿarż* and recognize that there is something in Bāltaev's account which is less familiar to us: the implementation of the *ʿarż* did not require the involvement of any jurist or judge of any rank (*shaykh al-islām*, *qāzī kalān*, and *aʿlam*). Bāltaev is adamant about the fact that it is first to the governor and then to the sovereign that subjects turn for redress, not to legal scholars (see *infra*, 'Introduction').

In the light of this knowledge, however, it remained to be explained why the royal court did not produce any documentation of its various activities during the performance of the *ʿarż*. That was what we thought. In the year 2011 and again in 2014, and for the subsequent five years, we enjoyed privileged access to the Central State Archive of Uzbekistan, and more specifically, its collections of records from Khorezm. It was because of such an extended, indeed exceptional, opportunity to work with local materials that we were able to identify a significant paper trail left by the *ʿarż* in Khiva. This is an extensive collection of records (including several thousand folia) issued by various officials of the Khanate of Khiva, which illuminate how the royal court reviewed and processed petitions submitted by subjects. This collection, which Soviet archivists called the 'Yasaulbashi collection,' supplied the documentary corpus upon which to write this book.

Carrying out such a complex and long-term team-work would have been impossible without financial and institutional support in Uzbekistan. The seeds of this research were planted within the framework of the project 'The Archives Talk: Writing the Social History of Colonial Central Asia,' which was funded by the VolkswagenStiftung in the years 2010–2013. But it was thanks to a START prize awarded by the Austrian Science Fund (FWF) in 2013 for the project 'Seeing like an Archive: Documents and Forms of Governance in Islamic Central Asia' (Start Program Y-704), that we could carry out and complete our work in the years 2014–2019. We are indebted to these funding agencies for their generous support.

During the preparation of this book, we were assisted by a team of colleagues and research partners in Tashkent and Khiva. Initial transcription of a

12 Ḥasan-Murād Laffasī, *Āzād-nāma*, MS Tashkent, IVANRUz, inv. no. 12581, fols. 4a–4b; Bābājān Safarov, *Khawārazmda būlūb ūtgān qūlchīlīq ahvāllārīnīng vāqīʿalārī*, MS Tashkent, IVANRUz, inv. no. 11254, fols. 85b–86b.

selection of records from the 'Yasaulbashi collection' was supplied by a group of Uzbek Ph.D. students. We are grateful to Khushnud Abdurasulov, Ikromjon Azizov, Akmal Bazarbaev, Nargiza Ismatova, Nasriddin Mirzaev, and Qahramon Yaqubov, for their help. During various stages in the evolution of this book, we took advantage of consultations and administrative assistance rendered by Dilorom Alimova, Bakhtiyar Babajanov, Nizomiddin Gulboev, Muhayyo Isakova, Komiljon Khudaybergenov, James Pickett, and Nuryogdi Toshov.

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Note on Transcription and Nomenclature

For Islamic names and terms, we have adopted the transliteration system for Arabo-Persian used by the *International Journal of Middle East Studies*. In so doing, we have opted for a simple one-to-one correspondence between grapheme (in the original Arabic script) and phoneme (in the Latin). We have been agnostic with regard to the presumed pronunciation of words in Chaghatay¹ (Central Asian Turki or Eastern Turkic) and therefore avoided introducing any phonetic distinction between front and back vowels characteristic of the Turkic languages spoken in Central Asia. Our transcription of Russian follows the *Chicago Manual of Style* differing only in the rendering of *iu* and *ia* instead of *yu* and *ya*.

Writing practices in Khorezm clearly show that Chaghatay orthography was relatively unstable at the turn of the 20th century. Varying levels of literacy

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- 1 In this work the term 'Chaghatay' is used conventionally in a broad sense as a synonym of Eastern Turkic (*Turkī*) as in E. Schluessel, *An Introduction to Chaghatay: A Graded Textbook for Reading Central Asian Sources* (Mountain View, CA: Michigan Publishing, 2018), pp. vi–x. In Western scholarship, 'Chaghatay' is often distinguished from 'Turki' in order to emphasize two distinct phases in the evolution of the Eastern Turkic literary language. The term 'Chaghatay' is deployed thus to refer to late Timurid literature ('Alī Shīr Navā'ī and Bābūr) and to emphasize its Persianate features, while 'Turki' is preferred when addressing works crafted in the Eastern Turkic language from the 17th to the 19th century. Some scholars have regarded the adoption of the term 'Chaghatay' as controversial on account of its Orientalist genealogy, for its occurrences in Central Asian Turkic literature are in fact sparse. See, for example, B. Péri, "Notes on the Literary-Linguistic Term 'Čaġatay': Evaluating the Evidence Supplied by Native Sources." In *Altaica Budapestinensia MMII: Proceedings of the 45th Permanent International Altaistic Conference (PIAC) Budapest, Hungary, June 23–28, 2002*, ed. A. Sárközi and A. Rákos (Budapest: Research Group for Altaic Studies, Hungarian Academy of Sciences – Department of Inner Asian Studies, Eötvös Loránd University, 2003), pp. 248–55. While there is no doubt that Central Asian authors overwhelmingly preferred the term *Turkī* to *Chaghatāy* when referring to the Eastern Turkic language regardless of the period in which they wrote, in 19th-century Central Asia the term *Chaghatāy* enjoyed in fact some traction. The famous Khivan court historian Muḥammad Riẓā Mirāb Āghā, for example, claimed to have written his chronicle titled *Shāhid-i Iqbāl* in the *Chaghatāy* language. Also, Şeyh Süleyman Efendi Buhārī employed the term *Chaghatāy* in his Eastern Turkic-Ottoman Turkish bilingual dictionary published in Istanbul in 1880/1, which included poems penned by another 19th-century Khivan savant, Shīr Muḥammad Mirāb Munis. Equally, it seems to us that to distinguish between two different linguistic phases (an earlier one 'Chaghatay', and a later one 'Turki') is to put in place an artificial separation between texts produced in different epochs, a separation which local consumers of literature in the Eastern Turkic language hardly perceived. How else could we explain the fact that in the early 20th century in Khorezm the sophisticated oeuvre of 'Alī Shīr Navā'ī was assembled together with the more prosaic works of, say, Şufī Allāh Yār into literary miscellanies?

among the scribal apparatus of the Khanate of Khiva as well as exposure to different ethnic communities were evidently the main reasons behind spelling variations. One complicating factor for the transliteration system that we have employed is the variety of orthographic forms for certain proper names and toponyms. Rather than adopting a normatively prescriptive approach towards such variations, regarding one textual rendering as correct and another as wrong, we have instead reproduced all the terms in the form in which they appear in whatever text is under discussion. We have therefore noted all spelling variations and, where possible, also distinguished Oghuzisms (e.g., *ād* instead of *āt*). Another mark of orthographic instability is represented by the use of various patronymic terms: *ughlī*, *bin*, *valad-i*, and *qīzī*, *bint*, *dukhtar-i*. We have sought to render these terms as they appear in the texts. Finally, our documentary corpus includes variations in the ligature of prepositions and postpositions. For the sake of clarity and uniformity, we have rendered them as conjoined.

Place names have been rendered in two distinct ways. When translating texts or quoting directly therefrom, we have rendered all place names with diacritics with the exception of several terms (Hazarasp, Khiva, Khoja-eli, Manghit). In the rest of the book, place names have been rendered without diacritics.

Most of the unpublished material on which this volume is based comes from post-Soviet archives, and the citation of the archival material thus follows the standard system used in Russian studies. The archival collection, the inventory, the file, and the folio are indicated respectively with the following Russian abbreviations: f. (*fond*), op. (*opis'*), d. (*delo*), and l., ll. (*list*, *listy*), ob. (*oborot*).

Glossary

<i>ābkhurī qāzū</i>	canals' maintenance works
<i>adrā yir</i>	uncultivated land
<i>a'lam</i>	senior jurist
<i>ālgħūdār</i>	creditor
<i>ālī ātār</i>	lit., 'firing six shots'; a type of rifle
<i>'amaldār</i>	official
<i>amānat</i>	deposit, custody
<i>amīn</i>	trustee
<i>amr-i 'ālī</i>	royal order
<i>amvāl va ashiyā'</i>	possession
<i>ānt</i>	oath; a legal procedure adopted in <i>sharī'a</i> courts
<i>āqā/āghā</i>	lord, honorific title attached to the names of senior officials
<i>āqsaqāl</i>	headman of a village or rural community
<i>'arż / 'arż-dād</i>	formal procedure whereby a subject submits a grievance to the ruler and files a claim with the royal court
<i>'arż / 'arīza / 'arīza-nāma / 'arż-dāsht</i>	petition
<i>'arżgūy / 'arżchī</i>	petitioner, see also <i>dādkhwāh</i>
<i>'arż-khāna / 'arż-jāy</i>	chamber of petitions in the royal residence
<i>āryāq</i>	'Russian' or 'right' side of the lower Amu Darya under the jurisdiction of the Russian Empire from 1873
<i>ātliqh (ātliq) yirī</i>	lands allotted predominantly to Turkmen tribes
<i>āyghāq</i>	informant
<i>bātman</i>	unit of weight; in the 19th and early 20th century it was ca. 20 kgs
<i>bāy</i>	a title usually attached to the names of provincial governors
<i>bāyluv khaṭṭī</i>	binding letter
<i>birdānka</i>	Berdan rifle
<i>bīsh-ātār</i>	lit.: 'firing five shots'; most probably 3-line Mosin rifle
<i>biy</i>	tribal elder
<i>būyrūq / būyrūq-i 'ālī</i>	royal warrant
<i>dādkhwāh</i>	petitioner
<i>dafn</i>	burial
<i>daftar</i>	register; cadastre
<i>dargāh-i 'ālī</i>	royal court

<i>da'vā</i>	claim
<i>da'vāgar</i>	claimant, plaintiff
<i>davr</i>	unit (community) of water-users
<i>dīvān</i>	scribe, see also <i>mīrzā</i>
<i>farsang</i> / <i>parsakh</i>	parasang; in 19th-century Central Asia between 9 and 10 km
<i>fāsīd da'vā</i>	void claim; unsound claim
<i>fatak</i>	royal rescript
<i>fātiḥa</i> / <i>fātiḥa-khwānd</i>	betrothal
<i>fuqarā</i>	subjects
<i>dahabāshī</i>	lit. 'commandant of ten'; head of the court guard
<i>gumān</i> / <i>gumāndār</i>	suspect
<i>gunāh</i>	misdemeanor; culprit
<i>guvāh</i>	witness, see also <i>shāhid</i>
<i>ḥākīm</i>	provincial governor
<i>hamrāh</i>	accomplice to crime, see also <i>yūldāsh</i>
<i>ḥaram</i>	dynasts' private chambers
<i>ḥavlī</i>	house, household
<i>ḥukm</i>	legal ruling, decision, judgment
<i>ibrā'</i>	acquittal of a claim; waiver
<i>īchkarī</i>	inner quarter of the house
<i>'idda</i>	post-divorce waiting period
<i>ijāra</i>	rent
<i>il-ādamlārī</i>	representatives of a local community
<i>il</i> / <i>ilāt</i>	community
<i>il-qarāvullārī</i>	communal militia
<i>ahl-i ilāt</i>	members of a community
<i>inkār</i>	denial of a claim
<i>iqrār</i>	acknowledgement, admission
<i>īshān</i>	title employed to denote Sufi <i>shaykhs</i> ; also a honorific title added to <i>qāzīs</i>
<i>īshik-āqā</i>	lit., 'doorkeeper'; a courtier who guarded the entrance to khan's audience-hall
<i>īzchī</i>	lit., 'one who follows tracks'; scout
<i>īzchīfulī</i>	the payment for the scout
<i>jallād</i>	executioner
<i>janāza</i>	burial prayer
<i>janjāl</i>	conflict
<i>jarāhat</i>	wound, injury; see also <i>majrūḥ</i>
<i>jāy</i>	house
<i>jazā</i>	punishment, see also <i>ta'zīr</i>

<i>ūlūm jazāsī</i>	capital punishment
<i>kafil</i>	guarantor
<i>kadkhudā</i>	community elder
<i>kadkhudā fulī</i>	reward to the elders of a communities for the achievement of a settlement
<i>kātībāna</i>	payment or reward to scribe
<i>kharājāt</i>	expenses
<i>kāranda</i>	tenant
<i>khaṭ</i>	written document
<i>khātūn</i>	wife, see also <i>ẓaʿīfa</i>
<i>khūn</i>	compensation for murder
<i>kiyāv</i>	husband; son-in-law
<i>kūrūnīsh-khāna</i>	audience hall
<i>maḥram</i>	confidant; a chamberlain, an individual close to the Khivan khans, who was also endowed with the right to access the dynasts' private chambers (<i>ḥaram</i>)
<i>mahr</i>	dowry
<i>majrūḥ</i>	wound, injury; see also <i>jarāhat</i>
<i>manāt</i>	local designation for Russian rouble
<i>maqtūl</i>	slain man; murdered
<i>mardum</i>	people
<i>mas'ala</i>	juristic case
<i>masjid / masjid qavmī</i>	mosque community
<i>mawẓi'</i>	locality
<i>mazār</i>	cemetery, shrine
<i>miḥtar</i>	high-rank official in the Khanate of Khiva
<i>mīrās</i>	inheritance
<i>mīrshab</i>	policeman
<i>mīrzā</i>	scribe, see also <i>dīvān</i>
<i>mu'azzin</i>	the crier who calls the faithful to prayer
<i>mudda'ī</i>	plaintiff
<i>mudda'ā 'alayh</i>	respondent, defendant
<i>muftī</i>	jurist
<i>muhranā</i>	payment or reward to an official for affixing his seal
<i>mulk / milk</i>	property
<i>murāfa'a</i>	litigation
<i>murīd</i>	disciple
<i>mu'tabar ādam</i>	reliable person
<i>mutavallī</i>	administrator of a <i>vaqf</i>
<i>nāchār</i>	woman

<i>naḥaqa</i>	post-divorce financial support
<i>nawkar</i>	liegeman; guard
<i>āṭlī nawkar</i>	mounted liegeman
<i>nikāḥ</i>	marriage
<i>‘aqd-i nikāḥ</i>	marriage contract
<i>pashshāb</i>	chief of police in localities
<i>pīshkash</i>	gift
<i>qal’a</i>	fortress, city
<i>qal’a kāsiblār</i>	city dwellers
<i>qālīng</i>	customary bride-price
<i>qāmchī</i>	lit., ‘whip’; lashing a culprit of the whip during or after interrogation
<i>qamtū</i>	cross-examination
<i>qāndār</i>	sworn enemy
<i>qarīndāsh</i>	relative
<i>qariya</i> / <i>qariya</i>	elderly people, see also <i>yāsh-kattalār</i>
<i>ādamlār</i>	
<i>qasam</i>	oath, see also <i>ānt</i>
<i>qarż</i>	debt
<i>qavm</i>	community
<i>qāzī</i> / <i>qāzī-īshān</i>	judge
<i>qāzī ‘askar</i>	lit., ‘military judge’; along with the <i>qāzī kalān</i> , the <i>qāzī ‘askar</i> was the chief judge of the Khanate of Khiva
<i>qāzī kalān</i>	chief judge
<i>qibla</i>	southern side
<i>qūshbīgī</i>	high-rank official
<i>riżālashūb</i>	reaching an agreement
<i>ṣadaqa</i>	donations, alms
<i>ṣāf (būlūb)</i>	satisfaction
<i>ṣaghīr</i>	minor; underage child
<i>sāqā</i>	upper part of a canal
<i>saqa qāzū</i>	maintenance of the upper streams of a canal
<i>salām</i>	court ceremony of greeting the khan
<i>shahādat</i>	testimony
<i>shāhid</i>	witness, see also <i>guvāh</i>
<i>sharī‘atgha qūshdūk/</i>	transferring the case on to the <i>qāzīs</i>
<i>sharī‘atgha tāpshūrdūk</i>	
<i>shikāyat</i>	grievance
<i>sū</i>	lit., ‘water’; a measure to quantify a water share
<i>sūdkhūr</i>	money-lender

<i>ṣulḥ</i>	peaceful settlement; amicable settlement
<i>siyāsāt</i>	violence during interrogation
<i>surāq</i>	procedure of inquiry
<i>taʿāmul</i>	established practice
<i>tābiʿ</i>	province
<i>taftīsh</i>	investigation
<i>ṭanāb</i>	square measure; in 19th-century Khorezm it consisted of 3600 <i>gaz</i> , or was equal 0,37–0,39 <i>ha</i>
<i>ṭāʿifa</i>	tribal clan
<i>takht</i>	throne
<i>ṭillā</i>	Khivan gold coin.
<i>ṭanga/tanga</i>	Khivan silver coin. In early 20th century, the average rate for reciprocal payments was set at 20 Russia <i>kopecks</i> per <i>tanga</i> .
<i>tayāq</i>	lit., 'stick'; a stick used during or after interrogation
<i>taʿzīr</i>	punishment, see also <i>jazā</i>
<i>tuhmat</i>	calumny
<i>tūy</i>	wedding ceremony
<i>ūghrī</i>	thief
<i>ūlūk</i>	corpse
<i>ʿurf-ʿādat</i>	custom; customary law, see also <i>ʿādat</i>
<i>ūrūsiya</i>	Russia
<i>vaʿda</i>	vow
<i>vajh</i>	reason
<i>bī vajh-i sharʿī</i>	unlawfully, illegally
<i>vaqf</i>	charitable endowment
<i>vaqf-nāma</i>	endowment deed
<i>vāriṣ</i>	heir
<i>yālghān</i>	deceit; false information
<i>yarāshīb</i>	reconcile; reconciliation
<i>yūghūchi</i>	corpse washer
<i>yūldās</i>	accomplice to crime, see also <i>hamrāh</i>
<i>yūzbāshī</i>	lit., 'commandant of one hundred', 'centurion'; a middle-rank official of the khanate
<i>yasāvul</i>	court attendant
<i>yasāvul haqqī</i>	attendant's fee
<i>yasāvulbāshī khizmatī</i>	office or chancellery of <i>yasāvulbāshī</i>
<i>yāsh-kattalār</i>	elderly people, see also <i>qariya ādamlār</i>
<i>yigūt</i>	young man
<i>zarar</i>	loss
<i>zaʿīfa</i>	wife, see also <i>khātūn</i>

Introduction

Wise men have said: dominion is like a young plant, and punishment is like water; it is surely necessary and essential to keep the roots of this plant fresh and irrigated with this water so that the flowers of safety and the fruits of security come forth.

SHIR MUHAMMAD MUNIS, *Firdaws al-iqbāl*¹



1 Crime and Punishment in an Uzbek Khanate

This book sets out to shed light on the juridical field of the Khanate of Khiva at the end of the 19th and at the beginning of the 20th century. The ‘Khanate of Khiva’ is the term employed in Western historiography to denote the political formation² that was put in place by the Qonghrats. The latter were a dynasty of Uzbek origins, which ruled roughly between the last quarter of the 18th century and 1920 over the region known as Khorezm (Ar. *Khwārazm*), one of the biggest oases of Central Asia, traversed by the Amu Darya and nestled within the territory of what is today Uzbekistan, Kazakhstan, and Turkmenistan.

The main objective of this work is to show that prior to Sovietization the dispensation of justice in Khorezm depended mostly on a group of officials representing the dynasty in power, and lacking specialised legal training. It is important to pause to reflect on this aspect of the legal system developed by the Muslim principality that we refer to as ‘the Khanate of Khiva,’ for conventional wisdom says that the practice of law in pre-modern Muslim societies was usually the business of the *‘ulamā’*, i.e., the scholars of Islam. As we shall

1 Shir Muhammad Mirab Munis and Muhammad Riza Mirab Agahi, *Firdaws al-iqbāl: History of Khorezm*, translated from Chaghatay and annotated by Yu. Bregel (Leiden and Boston: Brill, 1999), p. 335. Here we slightly revised Bregel’s translation.

2 The expressions ‘Khivan Khanate’ and ‘Khanate of Khiva’ are a calque from the Russian *Khivinskoe khanstvo*, applied by Tsarist bureaucrats at least from the second half of the 17th century. The expression, of course, is not derived from the terminology deployed by local literati to address the rule of the Uzbek khanal dynasties in Central Asia from the 18th- to the early 20th-century. On this question, see B. Fragner, “Die „Khanate“: Eine zentralasiatische Kulturlandschaft vom 15. bis zum 19. Jahrhundert,” *Zeitschrift für Kulturgeschichte* 9.1 (2008), pp. 33–75.

see in detail, especially in the records that we provide here in translation, the situation in 19th and early 20th century Khorezm under the rule of the khans was entirely, and indeed remarkably different. The scholars of Islam were subject to a power system, which made them subservient to the royal court and the representatives of the dynasty. This specific aspect of post-Nadirid Central Asian legal culture has already been noted in Paolo Sartori's *Visions of Justice: Shari'a and Cultural Change in Russian Central Asia*³ and the present book is designed to serve as a companion to that work to explore further how such legal culture survived, evolved, and changed during Russian domination. Also, to examine more closely practices of dispute settlement, which involved the royal court, in Khiva may open a window to comparisons with the Khanate of Khoqand and the Emirate of Bukhara and help us appreciate the degree of diversity within Central Asia, especially in the domain of law.

As a whole, the documents presented here mirror a world that was not structured and regimented into a rigid set of legal institutions. Indeed, the variety of cultural practices and the interplay of different sets of power relations produced a very dynamic set of legal relations. This left open a space for negotiation and consensus. Moreover, the space for negotiation was not confined to the localities and provinces, but was still available even after cases had been brought for hearing at the royal palace.

In order to illustrate our argument, let us turn our attention to one example. On the spring evening of 12 April 1913, near to a farmstead in the small Khorezmian settlement of Chavandur in the vicinity of Hazarasp, an alarming series of events were unfolding. The elders of the local community gathered in the house of one of the inhabitants. They had been cast into confusion by the sudden news that the farmstead had been surrounded by a group of distinctly suspicious-looking armed men on foot and on horseback. The general demeanor of these men left no doubt that they had serious plans to break into the farmstead by force. The owners of the house and members of the community knew very well why the attackers intended to break in. It was because a minor, an orphan boy called Rajab, had been detained there by the inhabitants of the village several hours earlier on suspicion of involvement in a homicide. The people around the perimeter of the farmstead were clearly associates of the boy and were determined to have him released, if necessary by means of an armed raid, so that the other participants in the crime should not be exposed. For this reason, when the elders received the news about the siege, they quickly arranged for the gates of the farmstead to be closed from the inside.

3 P. Sartori, *Visions of Justice: Shari'a and Cultural Change in Russian Central Asia* (Leiden: Brill, 2016), chapter 1.

By the time sun began to rise and the siege had been lifted, the community leaders were exhausted with fear and nervous anticipation. They then decided to make their way to the residence of the provincial governor (*ḥākim*), in the nearest urban center. The elders took Rajab with them.

The episode just described is taken from one of the many dispatches sent from the governors of the provinces of Khorezm to the royal court in Khiva in the early twentieth century. The letter is a routine report from the governor of Hazarasp, a small town in the southern part of the oasis which was subject to the Khanate of Khiva, and it informs the central agencies in the capital, specifically the office of the *yasāvulbāshī* (see *infra*), about the incident just described and about the details of the preceding and subsequent events.⁴

Further on, we learn from the same report that a few days earlier the elders of the community called Chavandur had reported to the *ḥākim* about a bloody raid carried out by a group of armed men on the farmstead of a local inhabitant called Khudāy Bīrgān b. Ismāʿīl. Besides the robbery of property, the raid had resulted in the murder of the head of the family, Khudāy Bīrgān himself, while members of his household had suffered severe knife wounds. Some days later, near another farmstead located within the territory belonging to the same community, a boy was arrested while begging for alms. One of the villagers was observant enough to recognize the youngster as an infamous thief who had previously worked in the bazaars of Petro-Aleksandrovsk. The latter was the administrative center of the 'Amu-Darya Department' (*Amudar'inskii otdel*), which had been organised out of the former lands of the khanate located on the right bank of the Amu Darya river,⁵ and was now under the jurisdiction of the Russian Empire. The boy was swiftly handed over to members of the communal militia (*il-qarāvullārī*) and to the elders (*il-kadkhudālārī*), who gathered in the home of a respected resident, in preparation for their journey to the provincial governor the next morning.

The contents of the report also inform us about how events developed at the governor's residence on the morning after the night raid. Further inquiries by the *ḥākim*, and the confessions extracted from the boy under duress, led to the capture of the head of the criminal group, a man called Safā. On his arrest, several firearms were also confiscated: a Berdan rifle, a pistol and cartridges. The head of the group confessed that the weapons had been obtained on the Russian side of the Amu Darya, from soldiers quartered there. The *ḥākim* carried out some supplementary inquiries and drew up a detailed protocol of

4 See below, Doc. 40.

5 *Āryāq* (lit.: 'that side') was a term used in Khiva for the territory on the right bank of the Amu Darya, under the jurisdiction of the Russian Empire from 1873.

the circumstances surrounding the other raids, and then sent all the arrested members of the criminal group under convoy to the khan's palace in Khiva for further investigation.

The legal case described here is part of an extensive collection of records written in Chaghatay (otherwise known as Central Asian Turki) called 'the *yasāvulbāshī* documents,' held in the Central State Archive of the Republic of Uzbekistan in Tashkent. The name of the collection comes from Soviet archival taxonomy (*dokumenty iasaulbashi*) and reflects the fact that most of its constituent parts (c. 5000) are rescripts (*fatak*) issued by the chancery of the *yasāvulbāshī*, which was one of the highest posts in Khivan courtly hierarchy in the early 20th century.⁶ In 1948 the records were transferred to the Central State Archive from Urgench, where they had been first gathered at the Khorezmian Provincial Archive together with other collections of documents crafted at the chancery of the Khanate of Khiva under the Russian protectorate (1873–1920).⁷ Zoia Agafonova, one of the archivists involved in the process of rearranging the records for the Central State Archive, explained that, even if the collection in question came into being after the Russian subjugation of the khanate, 'the *yasāvulbāshī* documents' had to be included into a larger inventory of records, which reflect scribal practices in Khiva *prior* to the Russian conquest.⁸ What led archivists to proceed in this fashion, says Agafonova, was the fact that 'all these records were written in the Arabic script, and that small notes were assembled in folders in a primitive way, without any order and without any attempt to determine their contents.'⁹ In other words, Soviet archivists in Tashkent assumed that, by dint of their purported unrefined form, 'the *yasāvulbāshī* documents' were more reminiscent of local writing traditions than reflective of later chancery practices introduced by the Russians, which were thought to be more elaborate and modern-looking. As we shall see in detail, the records crafted by scribes serving the *yasāvulbāshī* represent in fact a documentary innovation, which manifested itself in full only during the period of the Russian protectorate and which left only occasional and indeed scanty records prior to 1873.

From a thematic point of view, 'the *yasāvulbāshī* documents' all concern either the hearing of grievances from the khan's subjects on a wide range of

6 We shall discuss the office in question in greater detail later in the book.

7 Akt ot 29 iuliia 1948 g, TsGARUz, f. I-124, courtesy of Muhayyo Ishakova.

8 The inventory of records in question is known as 'The chancery of the khan of Khiva' (*Kantselariia Khana Khivinskogo*) and consists mainly of records written prior to 1873, which were carted off to St. Petersburg in the wake of the Russian siege of Khiva. The archival signature of this collection is TsGARUz, f. I-125, op. 2.

9 Interview conducted by Muhayyo Ishakova in April 2014.

issues, or the proceedings of subsequent investigations. As noted earlier, the collection is substantial and most of the records preserved therein represent one compositional genre, i.e., rescripts. To better exemplify the complexity of the system of dispute settlement at work in Khorezm under the Qonghrats, however, we opted to bring generic diversity into sharp relief and thus decided to offer in translation a selection of 73 records, which, though small, can exemplify several compositional genres dating from 1910–1920. The reader will therefore find notifications, reports, and promissory notes (*bāyluv khaṭī*), together with rescripts.

Now that we have presented the documentary corpus used in this work, let us come back to the system of conflict resolution reflected in our sources and which was known in Khorezm as *‘arż* (or *‘arż-dād*). Here it is important to emphasize that its peculiarity lies in the central role played by the royal court (*dargāh-i ‘ālī*) in Khiva in enforcing the settlement of disputes. Taken together, the documents we selected enable us to demonstrate that the khans and their officials were the primary judicial authorities to whom most petitioners addressed their claims. This book thus sets out to explore the Islamic juridical field of 19th- and early-20th-century Khorezm, a space in which there operated various institutions and officials, at the center of which stood the royal court of the local khans. The notion of ‘juridical field’ is derived from the work of the French sociologist Pierre Bourdieu and it is here employed to refer to a power field which ‘is determined by two factors: on the one hand, by the specific power relations which give it its structure and which order the competitive struggles (or, more precisely, the conflicts over competence) that occur within it; and on the other hand, by the internal logic of juridical functioning which constantly constrains the range of possible actions and, thereby, limits the realm of specifically juridical solutions.’¹⁰ As we will show, Muslims brought their affairs to state officials because the latter had the power to coerce parties to achieve a settlement and enforce a decision, either formally or informally. Significantly, it was a clear sense of hierarchy rather than an abstract notion of jurisdiction that informed Muslims’ decisions to take legal action. Indeed, in contemporary Khorezm, the responsibility for the resolution of conflicts fell on the royal court and the governors, while *qāzīs* did not adjudicate of their own volition. The earliest attestation to this peculiar state of affairs comes from the Russian envoy to Khiva Nikolai Murav’ev who, in 1822, noted that *qāzīs* ‘do not have any right to hear cases ... [with the exception only of] conflicts of little significance’ and when they do so ‘they have to report to

10 P. Bourdieu, “The Force of Law: Toward a Sociology of the Juridical Field,” *Hastings Law Journal* 38 (1986–87): 816.

the khan about any given wrongdoing or crime.¹¹ In fact, judges usually heard cases when the royal court or the governors instructed them to do so, mostly in cases in which defendants denied a claim (*inkār*) against them. As we shall see, a denial activated the transferal of a case to a *qāzī*. We shall return to this topic and discuss the subordination of *qāzīs* to Qonghrat court officials as we move to analyze legal proceedings.

Seeking Justice at the Court of the Khans of Khiva is based on a cachet of records mainly produced by the bureaucracy of a khanate and consequently adopts a state-centric approach. Nevertheless, the documents that we selected for this volume allow us to do more than just look at the juridical field in a Central Asian oasis from the narrow confines of a royal court. When and where possible, we equally considered the actions of people that moulded the everyday life of the khanate in the center and at the margins. Indeed, our records present us with a range of different individuals: a courtier in Khiva, a Qaraqalpaq fisherman on the shores of the Aral Sea, a Turkmen pastoralist in the riparian forests of the Amu Darya, a merchant from Urgench, a provincial governor in Khoja-eli, as they all moved around, took initiatives to defend their rights and pursued their own goals. The documents that we selected, open up a world in motion, where each individual case casts light on various microcosms of the Khanate of Khiva at the beginning of the twentieth century. It is our hope that the documents collected here will allow readers to feel that they are *witnessing* something of everyday life in Khorezm and thus appreciate their extraordinary cumulative effect. Furthermore, the records here assembled also allow us to uncover a complex world of social and legal relations in an Uzbek khanate over the course of the second decade of the twentieth century: a time of great political turbulence. The Khanate of Khiva had been a protectorate of the Russian Empire for around four decades by the time described in these documents. It was a protectorate with a very undefined and elusive status: it had no right to its own foreign policy or armed forces, but it had retained, albeit only partially, its right to preserve established forms of governance and ‘traditional’ institutions and practices.¹² At the same time, although formal interventions of imperial and colonial agencies in the internal life of the khanate were minimal, various Khivan agencies and khanal subjects regularly encountered Russian bureaucratic practices and could thus liaise with Russian institutions

11 N.N. Murav'ev, *Puteshestvie v Turkmeniiu i Khivu v 1819 i 1820 godakh gvardeiskogo general'nogo shtaba kapitana Nikolaia Murav'eva, poslannogo v sii strany dlia peregovorov*, pt. 2 (Moscow: Tipografiia Avgusta Semena, 1822), p. 35.

12 For more information on this, see U. Abdurasulov and P. Sartori, “Neopredelennost' kak politika: razmyshliaia o prirode rossiiskogo protektorata v Srednei Azii,” *Ab Imperio* 3 (2016), pp. 139–155.

at both informal and official levels. Read in this light, the records are a bricolage of small stories of right and wrong coming from Muslim communities in Khorezm. Unedifying as some of the stories are, however, they should be read against the backdrop of historically meaningful events such as the First World War, the overthrow of the Romanovs in February 1917, the October Revolution and the establishment of the Bolshevik dictatorship. Although the epicenters of these events were far from Khorezm, the shockwaves quickly rippled out to a region which, seen from St Petersburg and the offices of imperial ministries, seemed like a distant periphery. Each and every topic just mentioned is significant to make sense of the broader socio-cultural context in which our records were crafted, and they require extended and dedicated reflections, an exercise which falls out of the purview of this book.

Before we turn to a detailed description of the legal procedure in Khorezm known as *‘arż-dād*, a term that denotes a formal ceremony in which a subject submits a grievance to the ruler and files a claim with the royal court, several notes of caution are in order. First, as elsewhere in the Islamic world, a petition (*‘arż*) represents a default mode of communication between the chancery and a subject, whether an officeholder or a member of the general populace. Indeed, any form of communication with the royal court, whether a plea of allegiance or a news report (*vāqī‘a*),¹³ was formulated as a petition and crafted in compliance with the requirements of this genre. However, under the Qonghrats, the terms *‘arż-dād* and *‘arż* were used specifically to denote a system of justice at the center of which were the khan and his court. It would be misleading to characterize this system as a ‘petitioning system,’ a term that connotes a larger body of textual practices that includes, but it is not co-extensive with, the legal institutions under consideration. When it comes to examine ‘petitions’ as an instrument to seek redress when confronting official malfeasance, historians of Islam usually regard such records as the output of the so-called *maẓālim* system. This has to do with the fact that, under the rule of other Islamic dynasties elsewhere in the history of the Middle East, the term *maẓālim* has been deployed by scholars to refer to a situation in which the royal court operated as a court of second instance.¹⁴ But this was not the case in Khorezm, where

13 On news reports (*vāqī‘a-navīst*) and the ensuing compositional genre, see P. Sartori, “Seeing Like a Khanate: On Archives, Cultures of Documentation, and 19th Century Khorezm,” *Journal of Persianate Studies* 9.1 (2016), pp. 241–250.

14 J. Nielsen, *Secular Justice in an Islamic State: Maẓālim under the Baḥrī Mamlūks, 662/1264–789/1387* (Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul. 1985), p. 9. Several recent studies, however, have pointed out that, in different historical contexts, the *maẓālim* courts did not operate as a court of second instance for cases of judicial misconduct alone. See C. Müller, “*Maẓālim* Jurisdictions at the Umayyad Court of Córdoba

Qonghrat subjects brought their claims directly to the court of the khan, without filing their lawsuits with the judges. In this context, the Khivan royal court seldom served as a higher court with powers of judicial review. In addition, the term *mazālim* is conspicuous by its absence from 19th- and early-20th-century Khivan bureaucratise.¹⁵

Second, Khivan subjects presented their complaints to the khan *orally*, not in writing.¹⁶ This marks a substantive and decisive difference from other legal practices attested in the history of the Islamic world, which required that Muslims present their complaints to the ruler in form of a written petition.¹⁷ Of course, it is possible that the Qonghrat polity also welcomed written petitions and that Qonghrat chancery practices may have been as elaborate as elsewhere in the region. Indeed, the Qonghrats promoted a culture of documentation that has left to us the richest repository of Arabic-script texts from Central Asia covering the period from the late eighteenth century to the year 1873, the so-called 'Archive of the Khans of Khiva'.¹⁸ This archive contains numerous records that may well fall within the generic rubric of 'petitions'.¹⁹

(Eighth-Eleventh Centuries CE)," in A. Fuess and J.-P. Hartung (eds.), *Court Cultures in the Muslim World: Seventh to Nineteenth Centuries* (London and New York: Routledge, 2011), pp. 93–104; Y. Rapoport, "Royal Justice and Religious Law: *Siyāsah* and *Sharī'ah* under the Mamluks," *Mamluk Studies Review* 16 (2012), pp. 71–102; Baldwin, "Petitioning the Sultan in Ottoman Egypt."

- 15 To date we know only of one occurrence of the term *mazālim* in a Khorezmian context. We observe it in an endowment deed dating to the eighteenth century. The record refers to an episode when a man applied to the Khivan ruler Abu'l-Ghāzī Khān (1603–1663) to review the status of lands, which had earlier been the hereditary properties of his ancestors. The place where the khan received the petitioner in question is named in the document the *divān-i mazālim*. See *Vaqf-nāma-yi khanaqāh-i Shaykh Sulaymān Ḥaddādī*, MS Khiva, GMIQ, inv. no KP-1326.
- 16 *khalqlār kilib khāngha 'arżīni āghzākī sūzlāb*, 'Abdullāh Bāltāev, *Khivada Tāsh ḥawli bināsīning tāpāgrāfiyasī*, Khiva 1950, MS Tashkent, IVANRUZ, inv. no. 9321, fol. 24a.
- 17 Y. Ben-Bassat, *Petitioning the Sultan: Protests and Justice in Late Ottoman Palestine* (London: I.B. Tauris, 2013), pp. 24–28; M. Alam and S. Subrahmanyam (eds.), *Writing the Mughal World: Studies on Culture and Politics* (New York: Columbia University Press, 2012), p. 160.
- 18 This is the term of art to refer to a collection of records, which Russians found in the royal citadel during the siege of Khiva in 1873. Together with a collection of codices, which most probably belong to the khalal library, the records were carted off to St. Petersburg. Nobody studied them until the Soviet Orientalist Pavel Petrovich Ivanov 'rediscovered' them in the vaults of the Public Library of the city (then Leningrad). For more on the history and the main features of this collections, see Sartori, "Seeing Like a Khanate: On Archives, Cultures of Documentation, and 19th Century Khorezm."
- 19 For a preliminary attempt to assess the scope of the Archive of Khiva in relation to the archives of other Central Asian polities, see P. Sartori, "On Khorezmian Connectivity: Two or Three Things I Know about It," *Journal of Persianate Studies* 9.1 (2016), pp. 133–157.

Third, besides matters concerning the study of law and society in Central Asia and court protocol typical of an Uzbek khanate, the documents which we offer here in translation also help us illuminate aspects of the culture of documentation which the Qonghrats developed throughout the 19th century as well as changes in such culture, which manifested themselves after the establishment of the Russian rule in the region, and more specifically the creation of the Amu-Darya Department. What we mean by 'culture of documentation' inheres in a mesh of chancery practices and record-keeping activities at the state-level. Accordingly, a culture of documentation primarily manifests itself in the output of texts, which were conceived of as items of bureaucratic consumption. Clearly, if one does not attempt to understand the purposes for which a bureaucracy kept archives, one simply risks misrepresenting the function of the records one finds therein. As noted earlier, the systematic record keeping of rescripts issued by the office of the *yasāvulbāshī* began only after the Russian takeover and therefore one could say that our source base is mainly the product, though indirect, of Russian bureaucratic influence. What we mean by this is that, following the establishment of the Amu-Darya Department, scribes employed in Khiva were exposed to practices of record-keeping and the documentary regime of the Governorship-General of Turkestan. They therefore had plenty of possibilities to acquaint themselves with the Russian bureaucratic *habitus*. In turn, this might activate new documentary sensibilities leading to the production of records of a nature that did not exist prior to the Russian takeover, merely for preemptive purposes.²⁰ However, occasionally one can find records, though scanty, which suggest that the system of conflict resolution called *'arż-dād* produced a documentary output. The latter must have been connected to other scribal and archival practices in Khiva, which we see reflected in 'The Archive of the Khans of Khiva.' In an effort to understand the documentary value of records produced and preserved by the Qonghrats, our previous studies of Arabic-script records produced in Khorezm, and especially of 'The Archive of the Khans of Khiva,' suggested that we should think of documents as constitutive elements within some larger archival project and thus advocated a holistic approach to the study of documentary collections. The latter assumes that *all* the texts contained in an archive may reflect a specific utilitarian purpose by dint of their preservation by khanal agencies; and this requires that one consider how each and every text within that repository is somehow representative of the forms of governance adopted by the Qonghrats. The overall objective of this method is, thus, to move away from the usual tendency to

20 P. Sartori, "Murder in Manghishlaq: Notes on an Instance of Application of Qazaq Customary Law in Khiva (1895)," *Der Islam* 88.2 (2012), pp. 217–257.

approach to Islamic archives simply as repositories of data to be extracted at will. Our purpose in the present volume, however, is not to cast a holistic gaze at the available documentary corpus.²¹ While we have analyzed, of course, ‘the *yasāvlbāshī* documents’ collection as a whole, we equally thought it would be more useful for students of the history of the Uzbek khanates to pause to reflect on individual documentary items that exemplify behavioral patterns and forms of governance rather than on aspects of scribal and archival culture. Again, to the latter we plan to devote separate studies.

Fourth, our sources shed light on a system of conflict resolution that functioned in the region at least from the beginning of the nineteenth century. Since similar practices existed in the Emirate of Bukhara and the Khanate of Khoqand, this system may be regarded as representative of post-Chinggisid Central Asia:²² it is with the demise of the ‘Arabshahid empire that we observe a shift from earlier political configurations that centered on notions of shared sovereignty – whereby a territory was divided in appanages and assigned to different dynasts in the fashion of a condominium²³ – to a highly centralised and bureaucratised state formation, which came into being in the wake of Nādir Shāh Afshār’s military campaign in Central Asia (1740). It would be misleading, in our view, to explain the prominence of Qonghrat officials in the local system of conflict resolution in light of a Chinggisid tradition, which had otherwise informed patterns of governance in Central Asia prior to the rise of the Uzbek khanates. Indeed, there is little of Chinggisid pedigree in the ways in which Qonghrat officials articulated their legal authority over the resolution of conflicts in Khorezm, unless one wants to superimpose a Chinggisid tradition on all things Central Asian regardless of the very meaning that we accord to such tradition. We learn from a 18th-century Russian observer that prior to the rise to power of the Qonghrats ‘adjudication belonged exclusively to the clergy, but with the establishment of dynastic rule in the khanate, the clergy lost almost all its judicial power.’²⁴ This statement suggests that the system that we see reflected in the available evidence, where the khans of Khiva and their officials enjoyed more legal authority than the *qāzīs*, was certainly an innovation of the Qonghrats, at least in the oasis of Khorezm.

²¹ Ibid.

²² Sartori, *Visions of Justice: Shari‘a and Cultural Change in Russian Central Asia*, pp. 40–103.

²³ M. Dickson, “Uzbek Dynastic Theory in the Sixteenth Century,” in *Trudy XXV Mezhdunarodnogo Kongressa Vostokovedov* (Moscow: Izdatel’stvo Vostochnoi Literatury, 1960), pp. 208–217; E. Binbaş, “Condominial Sovereignty and Condominial Messianism in the Timurid Empire: Historiographical and Numismatic Evidence,” *Journal of the Economic and Social History of the Orient* 61.1–2 (2018), pp. 172–202.

²⁴ Anon., “Turkmeniia i Khiva,” *Vsemirnyi putesthestvennik* 8 (1870), p. 120.

It must also be added that, more broadly speaking, the Qonghrats perceived their rule as disconnected from and, to a certain extent, in opposition to the political history of the Chinggisids. Indeed, in his magnum opus the court historian Muḥammad Riẓā Mirāb Āgahī described the rise of the Qonghrat dynasty as the moment in which ‘the light of majesty and the candle of power of the Chinggisid *sultāns* stopped to shine and be resplendent.’²⁵ Rather than just offering an apologetic eulogy for the dynasts in power, here Āgahī is looking back at the history of Central Asia, and Khorezm in particular, and emphasizing that, starting from the first Qonghrat ruler Īltūzār (r. 1804–1806), the Uzbek khanate brought about a major discontinuity with earlier practices of governance, which consisted of doing away with the Chinggisid dispensation of shared sovereignty. Indeed, under the rule of Allāh Qulī Khān (1826–1842) the Qonghrats began in fact openly to associate themselves with the imagery of the Khorezmshahs, the Muslim dynasty ruling over Khorezm between the 12th and the early 13th century, which had attempted to resist the Mongol conquest.²⁶ By the end of the 19th century, the Qonghrats’ identification with the Khorezmshahs had become a powerful and evident attribute of their sovereignty. Indeed, in his *Tawārīkh al-khawānīn*, an unofficial chronicle of the Qonghrats written between the years 1885 and 1894, the Khivan literatus and the Qonghrat prince Sayyid Ḥāmid Tūra Kāmyāb claimed that, when in 1770 Īltūzār’s grandfather Muḥammad Amīn ‘Īnāq returned from Bukhara and subdued Khorezm, ‘he sat firmly in power on the throne of the Khwarazmshahness’ (*Khwārazmshāhliq takhtida bar qarār kāmgar irdi*).²⁷ Also, when introducing Īltūzār Khān to his readers, Kāmyāb argued that the Qonghrat dynast ‘sat on the throne of Khwarazmshahness’ (*Khwārazmshāhliq masnadida ūltūrdi*).²⁸ What was the intended meaning of the latter abstract noun? What did it mean to be a Khwarazmshah in his view? We can attempt to find an answer to these questions by looking at Sayyid Ḥāmid Tūra Kāmyāb’s further characterization of Īltūzār’s rule: ‘he provided the people with justice and put order to the military; and he sought to run *alone* [our emphasis] the government in the province of Khorezm.’²⁹ This

25 *Chingizīya sultānlārīnīng chirāgh-i shavkatī wa sham’-i dawlatī āftāb tābish[ī]dīn bī-nūr va bī-furūgh būlūb*, Muḥammad Riẓā Āgahī, *Riyāz al-dawla*, MS St. Petersburg, IVRRAN, inv. no. D-123, fol. 12a.

26 This was first noted by Yuri Bregel, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. vii–viii.

27 Sayyid Ḥāmid Tūra Kāmyāb, *Tawārīkh al-khawānīn*, MS Tashkent, IVANRUZ, inv. no. 7717, fol. 84a.

28 Ibid., fol. 84b.

29 ‘*adl-u-dād bila ilgā saranjām birīb lashkar-u-‘askaryighīb tartīb qildī va Khwārazm diyārīda hukmīn ‘alāhida yūrūtmāk istādī*, ibid.

passage offers conclusive evidence of the fact that in the historical perception of Khivan court literati, the Qonghrats introduced forms of governance (and possibly also a political ideology), which were far removed from that of the Mongols and their notion of shared sovereignty. If the 17th century was the age of Chinggisid restoration, as Robert McChesney has suggested, then the 19th was in Khorezm most certainly the century in which local constituencies came to regard Chinggisid traditions as a thing of the past.

Fifth, and finally, it should be noted that anyone reading this book hoping to get a sense of what were the philosophical premises underpinning the practice of law in early 20th-century Khorezm will likely be disappointed. There is little legal material coming from Khorezm, and especially among the records published here, that would be useful for the historian of law who would like to explain the world of moral philosophy, today identified as legalism.³⁰ To be sure, our records tell us something about power relations, practices of divination to apprehend suspects, and proceedings of dispute settlement. To call such records 'legal' requires that one thinks of law not just as a bundle of rules, however, but as a field in which discourses, moral sensibilities, and statuses, cross and influence each other. Clearly, the documentary materials that we put together in this work conjure up notions of rules, either followed or transgressed, which evoke modes of conduct as well as the legislative power of orders. Furthermore, they are entangled in a discursive field, which is above the law, or beyond it, for that matter. Read in this light, the legal records here assembled explain very little about rules, their intended meaning, and their popular reception. They do, however, point to the pervasive character of legalism in social interactions.

2 The Historical Setting

The texts presented here are documents produced by the chanceries of different agencies of the Khanate of Khiva, active in both the capital city of Khiva and surrounding regions. The documents were all produced in the period between 1910 and 1920 – the time of the reign of the last two members of the Qonghrat dynasty in Khorezm: Isfandiyār Khān (1910–1918) and Sayyid ‘Abdullāh Khān (1918–1920). The period covered by the documents thus corresponds to the final decade of the khanate: in February 1920, the Qonghrat dynasty came to an end following a pro-Bolshevik coup; the territory itself of the khanate was

30 Paul Dresch and Hanna Skoda (eds.), *Legalism: Anthropology and History* (Oxford: Oxford University Press, 2012).

formed first into the Khorezm People's Soviet Republic (KhNSR), and then in 1924 was integrated into the newly formed Uzbek, Turkmen and Kazakh SSRs.³¹

The Khanate of Khiva was a rather small state in the lower delta of the Amu Darya, in the Khorezmian oasis, and had been under the rule of members of the Qonghrat dynasty since the end of the eighteenth century. The Qonghrats came to power after an extended period of turmoil and interregna, and managed to consolidate control and establish a somewhat centralised administration within a short period of time.³² Besides the direct use of force, the dynasty's success rested in large part on the support of different population groups. To seek the consensus of various demographics enabled them not only to regulate, albeit for a relatively short time, contradictions with representatives of different communities within the oasis, but also to establish more or less stable relations with tribal groups, in particular with the various Turkmen, Qaraqalpaq and Qazaq tribes. This facilitated the settlement of the Qaraqalpaq tribes, especially on the northern and north-western edges of the oasis, extending the borders of direct Qonghrat rule up to the coast of the Aral Sea and the lower reaches of the Syr Darya in the north.³³

From the very first decades of its rule, the dynasty was forced to confront the rising ambition of the Russian Empire, which aimed to increase its colonial possessions at the expense of territories lying to its south. After some unsuccessful attempts to make the khanate submit by force,³⁴ Russian troops under the command of general-adjutant K.P. von Kaufman made their triumphal march

31 The lands on the right bank of the Amu Darya and along the coast of the Aral Sea belonged to the Karakalpak Autonomous Region (*Karakalpakskaiia Avtonomnaia Oblast'*), which was constituted in 1924 as part of the Kazakh ASSR. In 1932, it was given the status of an Autonomous Republic, initially as part of the RSFSR. Later, in 1936, the Karakalpak ASSR was formally integrated into the Uzbek SSR. For more information on the political and economic processes underwriting the formation of the Karakalpak ASSR, see N. Pianciola, "The Benefits of Marginality: The Great Famine around the Aral Sea, 1930–34," *Nationalities Papers* 48.2 (2019) Accessed online on 30 October 2019).

32 On the analyses of these events, see further Yu. Bregel, "The New Uzbek States: Bukhara, Khiva and Khoqand: c. 1750–1886," in N. Di Cosmo, A.J. Frank, P.B. Golden (eds.), *The Cambridge History of Inner Asia. The Chinggisid Age* (Cambridge: Cambridge University Press, 2009), pp. 398–400; W. Wood, "Khorezm and the Khanate of Khiva," in *Oxford Research Encyclopedia of Asian History*, <https://oxfordre.com/asianhistory/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-284?rkey=q3bEVy&result=1#acrefore-9780190277727-e-284-div2-3> (Accessed online on 2 June 2019).

33 See, also, A. Shioya, "Irrigation Policy of the Khanate of Khiva Regarding the Lawzan Canal, 1830–1873," *Area Studies Tsukuba* 32 (2011), pp. 115–136; U. Abdurasulov, "The Aral Region and Geopolitical Agenda of the Early Qongrats," *Eurasian Studies* 14 (2016), pp. 3–36.

34 A. Morrison, "Twin Imperial Disasters. The Invasions of Khiva and Afghanistan in the Russian and British Official Mind," *Modern Asian Studies* 48.1 (2014), pp. 253–300.

through the capital city of Khiva to the khan's palace on 29 May 1873.³⁵ The ruler of Khiva Muḥammad Raḥīm Khān II (1864–1910) was forced to sign the Gandumian (Gandūmqān) peace treaty (12 August 1873). This required him to acknowledge his own status as the 'humble servant of the Emperor of All Russia', and Khiva's status as a 'vassal' of St. Petersburg.³⁶ Among other stipulations, the Khanate of Khiva lost the right to recruit a regular army, and to carry out its own foreign policy 'without permission from the Russian authorities.' Another consequence of the treaty was the annexation of all the lands along the right bank of the Amu Darya, 'with all the settled and nomadic peoples there.' The Amu-Darya Department (*Amudar'inskii Otdel*) was formed on these territories, covering over half of the former area of the khanate,³⁷ under the Governorship General of Turkestan, with its center in the fort of Petro-Aleksandrovsk.³⁸ It is common among scholars of Central Asia to define the new status of Khiva as a protectorate, by analogy with some of the British and French holdings in South Asia and Northern Africa, although the term was never actually used either in the records defining the relations between Khiva and St. Petersburg, or in the official correspondence between governmental agencies.³⁹ The Gandumian Treaty was a freestanding and vague set of regulations that did more to complicate than clarify the status of the Khanate of Khiva and its subjects *vis-à-vis* the Russian Empire.⁴⁰ The indeterminacy of the Gandumian Treaty

35 M.A. Terent'ev, *Istoriia zavoevaniia Srednei Azii s kartami i planami*, vol. II (St. Petersburg: Tipo-litografiia V.V. Komarova, 1906), p. 260; On the circumstances of the Russian takeover of Khiva in 1873, see A. Morrison, *The Russian Conquest of Central Asia, 1814–1907. A Study in Imperial Expansion* (Cambridge: Cambridge University Press [2020]), [Chap. 7] (forthcoming).

36 See "Mirnyi dogovor s Khivoi, ustanovlennii v Gandemiane 12 avgusta 1873 g.", TsGARUz, f. I-1, op. 27, d. 7, ll. 6–8; The text of the treaty is also available as an appendix to S. V. Zhukovskii, *Snosheniia Rossii s Bukharoi i Khivoi za poslednee trekhstletie* (Petrograd: Tipo-litografiia N.I. Evstigneeva, 1915), 179–183.

37 The area of the annexed lands covered almost 76,000 km², i.e. around 58% of the territory of the khanate, see A.S. Sadykov, *Ekonomicheskie posledstviia ustanovleniia protektorata tsarskoi Rossii nad Khivinskim khanstvom*, PhD dissertation (Moscow, 1954), p. 38 (unpublished).

38 Until 1874 the *Amudar'inskii otdel* was called the *Amudar'inskii okrug* (district), see T.G. Tukhtametov, *Amudar'inskii otdel: Sotsial'no-ekonomicheskoe i politicheskoe znachenie dlia Khorezmskogo oazisa* (Nukus: Karakalpakstan, 1955), p. 54.

39 For a rare example of the use of this term, although in an unofficial context, see D. N. Logofet, *Bukharskoe khanstvo pod russkim protektoratom*, vol. 1–2 (St. Petersburg: V. Berezovski, 1911).

40 For example, A. Kalmykov, a high-ranking official of the Ministry of Foreign Affairs of Russia, wrote in 1910, that, 'the [Gandumian] peace treaty was re-interpreted several times, and was used by various representatives of the Russian and Khivan authorities in different ways at different times,' see his *Sostoianie Khivinskogo khanstva i zhelatel'nye*

may have reflected a conscious political choice. Such a form of governance was far from unique in the age of European colonialism. As Kristin Mann and Richard Roberts have noted about the history of African protectorates, ‘significant ambiguities existed surrounding the legal authority that parties possessed to conclude these protection agreements and impose the new systems of colonial rule that developed.’⁴¹ A similar indeterminacy of the status of the ‘vassal state’, a fluidity of the norms governing the Gandumian Treaty, and a vagueness about the authority invested in the Russian colonial officials who were responsible for relations with Khiva, produced an environment similar to other colonial situations.⁴² The main feature of the Russian Empire’s relationship with its distant protectorate was a fundamental ambivalence. On the one hand, preserving the semi-independent khanate with a rather uncertain status among the empire’s other remote colonial possessions seemed to be a politically very risky and costly undertaking that conflicted with imperial interests in the region. On the other hand, however, the uncertainty of the khanate’s position suited various interest groups, given that it provided broad access to Khiva’s internal resources without the need to build a complex and costly system for managing and monitoring the khanate’s domestic situation. Thus, the strategic uncertainty in the relationship between the Russian Empire and its Khivan protectorate also constituted a consistent policy.⁴³ Colonial agencies did not intervene except to assert control over the maintenance of stability in the Khivan protectorate, and to defend the interests and rights of Russian subjects in the khanate. However, they would avoid meddling directly with the internal life, administrative, fiscal, and judicial practices of the khanate.⁴⁴

reformy, TsGARUz, f. I-2, op. 1, d. 291, l. 102. For an English translation of the Gandumian Peace Treaty, see S. Becker, *Russia’s Protectorates in Central Asia: Bukhara and Khiva, 1865–1924* (Cambridge, Massachusetts: Harvard University Press, 1968), pp. 316–318.

41 K. Mann and R. Roberts, “Slave Voices in African Colonial Courts: Sources and Methods.” In *African Voices of Slavery and the Slave Trade*, vol. 2: *Essays on Sources and Methods*, eds. A. Bellagamba, S.E. Green, M.A. Klein (Cambridge: Cambridge University Press, 2016), p. 134.

42 G. Balandier, “Kolonial’naia situatsiia: teoreticheskii podkhod (1951),” *Ab Imperio* 2 (2013), pp. 29–64.

43 See further, P. Sartori, U. Abdurasulov, “Imperial Strategic Uncertainty: The Promises and Perils of a Russian Protectorate in Central Asia.” In Nader Purnaqqheband, and Florian Saafeld (eds.) *“Aus den Tiefenschichten der Texte. Beiträge zur tuko-iranischen Welt von der Islamisierung bis zur Gegenwart”* (Reichert Verlag Wiesbaden 2019), pp. 233–264.

44 In detail, see A. Erkinov, “How Muḥammad Raḥīm Khān II of Khiva (1864–1910) Cultivated His Court Library as a Means of Resistance against the Russian Empire,” *Journal of Islamic Manuscripts* 2 (2011), p. 41.

At the same time, the khanate was located within the imperial possessions,⁴⁵ and its subjects had regular encounters with imperial institutions. Consequently, not only administrative and chancery practices, but aspects of internal politics, patterns of mobility, and monetary and legal relations in Khiva were all directly or indirectly affected.⁴⁶

On 16 August 1910, the ruler of Khiva, Muḥammad Raḥīm Khān II, died at the age of 66, having held the Khivan throne since the time of the Russian conquest. According to Russian officials, he had always managed to govern the country 'in the old way,' i.e., by doing everything in his power for 'Khiva to remain as before.'⁴⁷ Imperial authorities in Tashkent and St. Petersburg used the death of the old monarch as an opportunity to initiate a so-called programme of reforms, designed to modernize the khanate, to be carried out under his successor, the hereditary prince Isfandiyār (r. 1910–1918). The programme of reforms was developed by both the imperial and Khivan authorities, and proposed, among other things, to reorganise and institutionalise the administrative apparatus and to impose order on the financial system and organs of justice.⁴⁸ However, while these transformations were widely trumpeted by both Khiva and St. Petersburg, it turned out to be an extremely difficult task to put them into practice, in the absence of any real strategies for monitoring and control. Soon after, the First World War would put an end to the majority of these hopeful beginnings. Preoccupied by events on the European stage, the Russian agencies in Tashkent and St. Petersburg largely limited themselves to attempts to maintain control over local elites, to preserve a certain degree of stability and to prevent potential disorders in this distant periphery.⁴⁹

The absence of a consistent policy of Russia towards its protectorate, sharply growing asymmetries of power between the metropole and its colonial possessions, and internal conflicts within the khanate's elites, fed into major

45 In 1881, after the fall of Kōk-Tepe, the submission of the Akhal-Tekin oasis and formation of the Transcaspian Region (*Oblast'*), the Khanate of Khiva was surrounded by Russian imperial possessions around the entire perimeter of its borders. On the details of Russian conquest of Transcaspia, see Morrison, *The Russian Conquest of Central Asia, 1814–1907*, [Chap. 8] (forthcoming).

46 For other examples of the formalization of chancery practices in Khiva after the establishment of the Russian Protectorate, see Sartori, "Murder in Manghishlaq: Notes on an Instance of Application of Qazaq Customary Law in Khiva (1895)".

47 [N.K. Glushanovskii], *Mnenie Nachal'nika Amu-Dar'inskogo otdela General-maiora Glushanoskogo*, TsGARUz, f. 1–2, op. 1, d. 291, l. 134.

48 For more information on this, see Abdurasulov, Sartori, "Neopredelennost' kak politika: razmyshliaia o prirode rossiiskogo protektorata v Srednei Azii," pp. 139–155.

49 U. Abdurasulov, "Konflikt kak resurs: anatomiiia 'turkmenskikh besporiadkov' v Khorezme, 1914–1916," *Ab Imperio* 3 (2018), pp. 141–186.

popular upheavals in the khanate in 1915–16. Protests by inhabitants of individual towns, dissatisfied with the character of Isfandiār's government, in 1915, quickly spilled over into open armed resistance. The events of early 1916 had even greater resonance, when Turkmen leaders who had broken off allegiance managed to capture the capital of the khanate, and seriously threatened to overturn the order in the country. Only the intervention of Russian colonial forces, under the command of Lieutenant General A.S. Galkin, and their use of violently repressive measures against the rebels, enabled the temporary suppression of the uprisings.⁵⁰

The political landscape of Khorezm in the second decade of the twentieth century was decisively shaped by the echoes of the February revolution of 1917 in Petrograd, and the Bolshevik coup that followed in October of the same year. As a distant province of the former empire of the Romanovs, Khiva found itself in a difficult situation. The Khivan authorities no longer had the support of the Russian army,⁵¹ and were now forced to establish a new balance between the different forces that had been lifted up on the wave of recent events in the capital. In particular, these included the armed units of the Yomut Turkmen leader Qurbān Muḥammad Sardār (1857–1938), otherwise known as Junayd Khān, who, incidentally, appears in our documents.⁵² Junayd Khān was one of the leaders of the rebellion of 1916, and had been forced to flee with his supporters from the Russian authorities to Iran and Afghanistan.⁵³ In the spring of 1917, on the wave of revolutionary events in the former empire of the Romanovs, Junayd returned to Khorezm with considerable reinforcements, and began to challenge the power of authorities in Khiva and Petro-Aleksandrovsk.⁵⁴ Another active player on the Khorezmian political

50 O. Qo'shjonov and N. Polvonov, *Khorazmdagi ijtimoiy-siyosiy jarayonlar va harakatlar* (Tashkent: Abu Matbuot Konslat, 2007), pp. 239–246; Niiazmetov, *Poisk konsensusa. Rossiisko-khivinskie geopoliticheskie otnosheniia v XVI-nachale XX v.*, pp. 424–433.

51 When, in January 1918, news of the Bolshevik coup reached Colonel Zaitsev's Russian units quartered in Petro-Aleksandrovsk and in Khiva itself, the troops, which had until that point followed orders from the Provisional Government, then abandoned the khanate. See T.G. Tukhtametov, *Rossii i Khiva v kontse XIX–nachale XX veka* (Moscow: Nauka, 1969), p. 126.

52 See docs. 24; 36; 45; 61.

53 Abdurasulov, "Konflikt kak resurs: anatomii 'turkmenskikh besporiadkov' v Khorezme", p. 177; on Junayd Khān's subsequent fate, see Q. Rajabov, "Xorazmda istiqloq harakat va Junaydixon", *Jamiyat va boshqaruv* 1 (2000), pp. 36–43.

54 The political allegiance of the Russians in Petro-Aleksandrovsk was far from univocal at this time. Initially, the administration was loyal to the Provisional Government, but after the Bolshevik coup of October 1917, and especially after colonel I.M. Zaitsev's withdrawal from Khiva on 5 January 1918, the influence of the SRs and Bolsheviks grew, Becker, *Russia's Protectorates in Central Asia*, pp. 254–257.

scene at this time was a group of local reformers known as the Young Khivans (*yāsh khīvalīklār*). Inspired by the revolutionary events in Russia, and actively supported by Soviet and Bolshevik agencies in Tashkent and Charjuy, these reformers also contended for power in Khorezm. The interests of the leaders of the soldiers' soviets⁵⁵ also deserves to be taken into account, while a significant political role was played by the actual commanders of the Russian garrisons quartered on the territory of the neighbouring Amu-Darya Department and in Khiva itself.⁵⁶ Isfandiyār Khān tried to balance between these centers of power, with a varying degree of success. Thus, on 5 April 1917, in a concession to the demands of the Young Khivans, the khan signed a manifesto on the proclamation of a constitutional monarchy; the monarch's power was now to be limited by a 'parliament' (*majlis*) and a council of ministers (*nāẓir*).⁵⁷ However, only a few months later, in the autumn of 1917, Isfandiyār Khān put an end to all of these initiatives, with the support of the Turkmen leader Junayd Khān and the silent approval of General H. Mirbadalov, the commissar for the Provisional Government in Khiva. The members of the Young Khivan party and their supporters were pursued, arrested, and in certain cases subjected to show-trials and executions.⁵⁸

For a while, Isfandiyār Khān managed to hold on to power in this way, making alliances with representatives of one group after another, until he was finally executed on the orders of the same Junayd Khān in autumn 1918.⁵⁹

55 To a large degree thanks to the support of the soldiers' soviets, in April 1917, the Khivan reformers managed to force Isfandiyār Khān to sign a manifesto on the proclamation in Khiva of a constitutional monarchy: Tukhtametov, *Rossia i Khiva v kontse XIX–nachale XX veka*, p. 122; I.V. Pogorel'skii, *Ocherki ekonomicheskoi i politicheskoi istorii Khivinskogo khanstva kontsa XIX i nachala XX vv. (1873–1917 gg.)* (Leningrad: Izdatel'stvo Leningradskogo universiteta, 1968), pp. 122–124; Becker, *Russia's Protectorates in Central Asia*, pp. 253–257.

56 For example, General Mirbadalov at least initially supported the pretensions of the Young Khivans. His predecessor, Colonel Zaitsev, supported revanchist anti-Bolshevik uprisings and, on 5 January 1918, left the khanate and moved with his troops to Samarkand, see Becker, *Russia's Protectorates in Central Asia*, pp. 270; Qo'shjonov and Polvonov, *Khorazmdagi ijtimoiī-siiosiy jarayonlar*, p. 307.

57 R.A. Nurulin, "Obostrenie politicheskoi obstanovki v khanstvakh." In D. Alimova, and R. Radzhapova (eds.), *Turkestan v nachale XX veka: k istorii natsional'noi nezavisimosti* (Tashkent: Shark, 2000), pp. 289–290.

58 Becker, *Russia's Protectorates in Central Asia*, pp. 269–270; R.A. Nurulin, "Obostrenie politicheskoi obstanovki v khanstvakh," pp. 290–291, 296.

59 Khivan authors give different accounts of the circumstances of Isfandiyār Khān's killing: in the view of the court historian Ḥasan-Murād Laffasī, the ruler of Khiva was shot on the order of the Yomut leader Junayd, see Ḥasan-Murād Laffasī, *Gulshān-i sa'ādat*, MS Tashkent, IVANRUZ, inv. no. 7797, fol. 100b. Another author, Pahlavān Niyāz Ḥājji Yusupov,

Immediately after the execution of the khan, his brother Sayyid ‘Abdullāh Khān was placed on the throne. The latter’s rule was largely nominal, as real power was now held by Junayd and his supporters.⁶⁰

The dynasty managed to hang on to the throne for another year and a half in these conditions, before a series of pro-Bolshevik coups reached this distant frontier as well. On 1 February 1920 the forces of the Young Khivans captured the capital with support from Bolshevik detachments.⁶¹ A day later, Sayyid ‘Abdullāh Khān, the last ruler of the Qonghrat dynasty, which had reigned in Khiva for over a century, was overthrown and exiled to the city of Krivoy Rog (Ukr.: *Kriviy Rich*) in Ukraine, where he spent the final years of his life.⁶² In April 1920, on the territory of the former khanate, the Khorezm People’s Soviet Republic was proclaimed: a pro-Bolshevik quasi-state, which was destined to sink into oblivion within four years, when it was incorporated into the newly formed national Soviet republics.

Our aim here is not to provide a detailed account of all the political processes, which one should take into account if one pursues a political history of the khanate. For our purposes, the processes are important inasmuch as they provide some background knowledge to contextualize the social, documentary, and legal practices reflected in our sources. Needless to say that the political background outlined above did shape aspects of communal life, and particularly those aspects with which our documents are most concerned: instability, access to weapons, and the rise of violence within Khorezmian society. Indeed, from the very beginning of the protectorate period, we observe a constant flow of news reports from Khiva to Petro-Aleksandrovsk and Tashkent. While formally claiming to stay out of the internal affairs of its protectorate, the Russian administration had in fact vested interests in keeping key aspects of the khanate’s internal life under control. The bureaucratic pressure which the Russian colonial administration exerted on the protectorate stimulated the

reports that on Junayd’s order, one of his men ‘slit the throat’ of Isfandiyār during an audience, see Pahlavān Niyāz Ḥājji, [*Khāṭiralar*], MS Khiva, Private Collection of Anvar Otaboev, fol. 231b.

60 ‘Abdullāh Bāltaev, *Khawārazm ta’rikhīga matiryallār* (Khiva 1950), MS Tashkent, IVANRUz, inv. no. 9320, fol. 21; Pahlavān Niyāz Ḥājji, [*Khāṭiralar*], MS Khiva, Private Collection of Anvar Otaboev, fols. 233b–234b.

61 Becker, *Russia’s Protectorates in Central Asia*, pp. 286–289; R.A. Nurulin, “Likvidatsiia Khivinskogo khanstva i obrazovanie Khorezmskoi Narodnoi Sovetskoi Respubliki,” in D. Alimova, and R. Radzhapova (eds.), *Turkestan v nachale XX veka: k istorii natsional’noi nezavisimosti*, pp. 297–305.

62 ‘Abdullāh Bāltaev, *Khawārazm ta’rikhīga matiryallār* (Khiva 1950), MS Tashkent, IVANRUz, inv. no. 9320, fol. 22a.

development of new chancery practices in Khiva such as the cross-referencing of documents. The reforms begun by the Russian and Khivan authorities in Khiva in 1910 facilitated even greater bureaucratisation and standardisation of a range of administrative and legal practices. Indeed, the reforms brought about a *formalization* of certain chancery practices for which we would otherwise have no records. One could say that such reforms were themselves responsible for the generation of the documentation under discussion here, for one unintended consequence of bureaucratisation was the increased visibility of dispute settlement in the documentary output of the khanate.

Another characteristic feature of the Russian presence was the formation of separate judicial and administrative jurisdictions on the Russian and Khivan sides of the Amu Darya. This allowed various individuals and groups, accused of having broken the law, to cross from side to side, making it harder for them to be caught and tried, as is revealed both directly and indirectly in our documentary materials.⁶³

As already been noted, Khorezm experienced exceptional political turbulence during the second decade of the twentieth century. The resulting uprisings against the central authorities, clashes between different groups of the population, and raids by Turkmen groups on the agricultural settlements in the oasis inevitably entailed a rise in the levels of violence in society. For example, in one of the documents presented here, dated to April 1918, the authorities in Khiva received a report from a group of 'elders' representing the province of Tashhawz about the sharp rise in the number of robberies and armed raids in the localities and, more generally, 'the extreme instability in the province' (*Tāshavūz tavābi'lārī kūb nādīnchdūr*).⁶⁴ In another document, also dated to April 1918, the central authorities were informed that the inhabitants and elders of another Khivan town, Khanqah, demanded the harshest possible punishments, including executions, for robbers, in order to reduce the numbers of such crimes: 'Without such measures,' the dispatch noted, 'the local communities will be unable to maintain any peaceful existence.'⁶⁵

The documents of the chancery of the *yasāvulbāshī* are also full of appeals and grievances from members of various communities about raids and attacks by Turkmen bands. The increased number of militant groups, and the flow of weapons from outside, meant an increased use of firearms,⁶⁶ which is also

63 See, e.g., Doc. 56.

64 See below, Doc. 50.

65 Doc. 41.

66 For example, after the suppression of the uprisings of 1916 in Khorezm, the Russian command requisitioned from the Turkmen clans in the western part of the oasis alone around

reflected in our documents. Local inhabitants were able to acquire weapons from Russian soldiers quartered in the khanate and on the right bank, and also, apparently, in significant quantities from across the Turkmen steppe.⁶⁷

All these factors either directly or indirectly played an important role in the production of the records which we present here. However, it would be misleading to say that it was specifically these events that defined the practices and mechanisms of dispute settlement in the khanate. Indeed, it would be perhaps helpful here to remind our readers that materials produced locally as well as Russian travelogues make it clear that the system of dispute settlement called *'arz-dād* had taken shape in Khorezm long before the Russian conquest and therefore prior to many political realignments and socio-cultural changes reflected in our records.

3 Who were the *Yasāvulbāshīs*?

Narrative sources and chancery documentation from early-20th-century Khiva are clear about one thing: the *yasāvulbāshī* reviewed the content of the appeals addressed to the khans and instructed appellants to refer to other Qonghrat court officials who would investigate cases and oversee the settlement of disputes. But the competence of the *yasāvulbāshī* also extended beyond the juridical field. In fact, our sources attribute to the *yasāvulbāshī* a broad variety of administrative functions: they organize troops⁶⁸ and carry out military raids,⁶⁹ they ensure internal order, and administer the collection of taxes; at times, they represent khalal authority when dealing with Turkmen⁷⁰ and Qaraqalpaq clans.⁷¹

6,000 firearms, and 10,000 of cartridges for them, see "[A.S. Galkin] *Doklad*, 12.06.1916, no 173", TsGARUz, f. 1-1, op. 31, d. 1104, ll. 157–160.

67 On such channels of weapon supply into Khiva, see Niazmetov, *Poisk konsensusa. Rossiisko-khivinskie geopoliticheskie otnosheniia v XVI–nachale XX v.*, pp. 422–432.

68 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 446, 452, 512; Muḥammad Rizā Āgahī, *Riyāz al-dawla*, MS St Petersburg, IVRRAN, inv. no. D-123, fol. 266a.

69 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, 475, 480, 494, 501; Muḥammad Rizā Āgahī, *Gulshan-i dawlat*, MS Tashkent, IVANRUz, inv. no. 7572, fols. 56a, 68a; Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUz, inv. no. 9596, fols. 343b, 345a.

70 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 528; Muḥammad Rizā Āgahī, *Riyāz al-dawla*, MS St Petersburg, IVRRAN, inv. no. D-123, fol. 83a; Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUz, inv. no. 9596, fols. 330a, 333b; 343b.

71 Muḥammad Rizā Āgahī, *Gulshan-i dawlat*, MS Tashkent, IVANRUz, inv. no. 7572, fols. 45a; 58b–66b; 74a–74b; 262b–263a; [Girshfel'd and Galkin], *Voenna-statisticheskoe opisanie Khivinskogo oazisa. Sostavleno General'nogo Shtaba Kapitanom Girshfel'dom*,

In the past, the sheer variety of functions ascribed to *yasāvulbāshīs* seems to have misled scholars. Seymour Becker, for instance, characterised the responsibilities of the *yasāvulbāshīs* as those of a ‘minister of war’;⁷² ‘Abdullāh Bāltāev, for his part, called such officials the ‘heads of the secret chancery’;⁷³ while Yuri Bregel attributed to them policing functions.⁷⁴ First of all, we should clarify that the office of *yasāvulbāshī* does not seem to have featured among the prominent Khorezmian positions of state prior to the rise of the Qonghrat dynasty. For instance, while depicting the court protocol during the reign of Abu’l-Ghāzī Khān (1644–1663), local historians do not mention the *yasāvulbāshī* among the 32 higher court dignitaries who possessed the privilege of ‘seating beside the khan.’⁷⁵ If we move to the reign of the Qonghrats, i.e., the early 19th century, we notice that chronicles mention *yasāvulbāshīs* as individuals entrusted by dynasts with important tasks, such as military campaigns, irrigation works, and participation in embassies. However, it is only later, from the mid-19th century, that we begin to observe certain holders of the post identified among the senior officials of the khanate,⁷⁶ and clearly exercising significant influence on the khanate’s internal and foreign policy. Further, at the turn of the 20th century several authors listed the *yasāvulbāshī* among the most influential officials with a fairly wide and varied range of functions.⁷⁷ These officeholders, for instance, were remembered by their contemporaries

pererabotano Nachal’nikom Amu-Dar’inskogo otdela General-Maiorom Galkinym. Part 2 (Tashkent: Tipografiia Tashkentskogo voennogo okruga, 1903), pp. 21–22.

72 Becker, *Russia’s Protectorates in Central Asia*, p. 180.

73 ‘Abdullāh Bāltāev, *Daftar* (no. 22), MS Khiva, Private collection of Odilbek Abdullaev, fol. 56b; see also M. Yūldoshev, *Khiva khonligida feodal yer egaligi va davlat tuzilishi* (Tashkent: Ўzbekiston SSR Davlat nashriyoti, 1959), p. 283, fn. 6.

74 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 612, n. 640.

75 Ibid., 44.

76 In his survey of the Khanate of Khiva compiled in 1873, Alexander Kuhn provided a list of senior officials at the Khivan court, which includes the office of *yasāvulbāshī*, see A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 36–36 ob.

77 The Soviet scholar T. Tukhtametov named the *yasāvulbāshī* among the most senior officials in the khanate, alongside the *qūshbigi* (or *qūshbegi*), the *mihtar* and the *divānbigi*, see his *Amudar’inskii otdel: Sotsial’no-ekonomicheskoe i politicheskoe znachenie dlia Khorezmskogo oazisa*, p. 26; M. Yūldoshev suggests that in the military hierarchy the *yasāvulbāshī* occupied the place directly behind the khan and the *amīr al-umarā*, who was appointed from among the close relatives of the khan. Yūldoshev, *Khiva khonligida feodal yer egaligi va davlat tuzilishi*, pp. 283–284.

as being among ‘the most senior officials in the khanate’,⁷⁸ who in some cases kept control over the whole of ‘the state’s external and internal affairs.’⁷⁹ Again, it is only in this period when chancery records refer to them with the epithet of ‘ministers’ (*vazīr*).

If the rise of the position of *yasāvulbāshī* to one of the leading offices in the Khivan court hierarchy in the early 20th century is a clearly established fact, however, the process whereby this rise occurred – a process embedded in the political dynamics of 19th- and early 20th-century Khorezm – is far from clear. In the pages that follow we shall illustrate, albeit in broad terms, the range of responsibilities of the *yasāvulbāshīs* in the Qonghrat court hierarchy and the administration of the khanate. Furthermore, we shall attempt to uncover biographical information pertaining to individuals who occupied that office throughout the Qonghrat era, with emphasis on those of them who appear among the documents published in this book.

A note of caution is here in order. The spheres of competence of officeholders operating in the Khanate of Khiva were loosely defined and imperfectly distinguished. This state of affairs reflected a variety of factors, not only the nature of an officeholder’s personal relations with the ruler, or his personal charisma, but also his ability, or inability, to manage relations within a large network and a wide variety of power groups. Such a model left room for political maneuvering by individual actors. This may explain why the sources and the scholarly literature supply contradictory information about the status and functions of the *yasāvulbāshī* in the web of power relations within the Khanate of Khiva.

The *Firdaws al-iqbāl*, a monumental history of the early Qonghrat dynasts, provides the first references to the activities of *yasāvulbāshīs* at the Khivan court. Over the reign of Muḥammad Raḥīm Khān I (1806–1825) two individuals – Qurbān Niyāz and Muḥammad Niyāz – occupied the office at the same time. Munis and Agahi, the authors of the *Firdaws al-iqbāl*, distinguished these two officials as the closest confidants of the khan (*maḥram-i rāz*),⁸⁰ who were bestowed with the epithet ‘the pillars of the attendants and the cream of the servants.’⁸¹ Both dignitaries are repeatedly mentioned also as participants in the numerous military campaigns of Muḥammad Raḥīm Khān I. More

78 [Nil Lykoshin], *Raport Nachal'nika Amu-Dar'inskogo Otdela, polkovnika Lykoshina*, 28.11.1912 g., № 52, TsGARUz, f. I-2, op. 1, d. 289, l. 176.

79 [Hasan-Murād] Laffasī, *Tazkirai Shuaro*, ed. P. Bobojonov (Urgench: Khorazm, 1992), pp. 56–57.

80 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 446.

81 *Ibid.*, pp. 512; 654, n. 113.

often than not they acted as special commissioners at various military units.⁸² Both *yasāvlubāshīs* also accompanied the Turkmen units – the most capable detachments of the Khivan army⁸³ – in military forays initiated by Qonghrats. It is worth mentioning that Muḥammad Niyāz was in charge of the Turkmen units consisting of Yomut clan members,⁸⁴ whereas Qurbān Niyāz was primarily dealing with Chawdurs.⁸⁵

These two individuals continued to enjoy similar competences during the reign of Allāh Qulī Khān (1825–1842), son and immediate successor to Muḥammad Raḥīm I.⁸⁶ In 1839, after the death of Muḥammad Niyāz Yasāvlubāshī, his son Raḥmatullah Bāy was appointed to the office.⁸⁷ The latter appears to have held the post, with occasional interruptions, right up until his death in 1890.⁸⁸ According to some reports, not a single serious military campaign was undertaken by the Qonghrats without the involvement of this officeholder.⁸⁹

A son of the second *yasāvlubāshī* Qurbān Niyāz, a certain ‘Abdullāh, also inherited the post following his father’s death. Amongst the multiple responsibilities conferred upon ‘Abdullāh Yasāvlubāshī, the most notable was commanding military units of Chawdur Turkmens.⁹⁰ His successor in the post, Maḥmūd Niyāz Yasāvlubāshī, also had responsibility over Chawdur

82 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 480, 494, 512, 534. As Yuri Bregel noted, these functions of the two *yasāvlubāshīs* in the Khanate of Khiva, as military inspectors and military commanders, emerged over the reign of Muḥammad Raḥīm Khān I, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 647, n. 1026.

83 Iu. Bregel, *Khorezmskie turkmeny v XIX veke* (Moscow: Izdatel'stvo vostochnoi literatury, 1961), p. 180.

84 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 501, 533.

85 Ibid., 528. Such simultaneous presence of two *yasāvlubāshīs* in the Khivan court a few decades later was also noted by Alexander Kuhn, see his *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 410b–42.

86 Muḥammad Riżā Āgahī, *Riyāz al-dawla*, MS St Petersburg, IVRRAN, inv. no. D-123, fols. 139b, 145a, 192a, 197b.

87 Ibid., fols. 227b, 229b.

88 The interruptions occurred in 1854–1855, when Raḥmatullah Yasāvlubāshī was arrested by ‘Abdullah Khān following a court intrigue, and again in the wake of the conquest of Khiva by the Russian army in 1873, when he was exiled to Kaluga along with Muḥammad Murād Divānbigī. In 1880, they returned to Khiva and resumed their former posts; see Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUz, inv. no. 9596, fols. 355b, 465a, 480b–481a.

89 Yūldoshev, *Khiva khonligida feodal yer egaligi va davlat tuzilishi*, p. 284; Bobojon Tarroh-Khodim, *Khorazm shoir va navozandalari*, eds. A. Otamurodova and O. Abdurahimov (Tashkent: Tafakkur qanoti, 2011), p. 32, fn. 1.

90 Bregel, *Khorezmskie turkmeny v XIX veke*, p. 178.

detachments.⁹¹ Yet for a while, from the late 1850s to 1866, this *yasāvulbāshī* was also responsible for governing over the Qaraqalpaq clans in the Amu Darya delta, in particular for collecting taxes from them.⁹² The members of the Russian embassy to Khiva in 1858, for instance, reported about their contacts with Maḥmūd Niyāz Yasāvulbāshī, whom they called the ‘temporary governor of the city of Qonghrat’⁹³ – the northernmost settlement of the khanate. We know that the 1858 diplomatic mission advanced towards Khivan borders accompanied by a sizable military detachment.⁹⁴ This, of course, caused anxiety among the members of the Qonghrat royal court, who were concerned about the somewhat porous northern borders of their state. Their anxiety escalated when the Russian navy appeared in the Aral Sea.⁹⁵ One may plausibly infer that Maḥmūd Niyāz Yasāvulbāshī was appointed to the Aral Sea littoral in the capacity of plenipotentiary official to defend against the threat of Russian expansion. The secretary of the Russian embassy, a certain E. Kilevein, provides information about yet another *yasāvulbāshī* – Raḥmatullāh – whom he encountered at the khan’s court. Kilevein describes this officeholder as ‘the main military figure’ in the khanate.⁹⁶

Thus, one may observe that under Qonghrat rule two *yasāvulbāshīs*, who had been occupying simultaneously the post, were empowered with a range of competences, with particular emphasis on military activities. Despite the notable ambiguity and indeterminacy of the competences of the various officials of the Khanate of Khiva, one can nevertheless identify a tendency to task

91 According to Bayānī, Maḥmūd Yasāvulbāshī occupied this office until 1878, when on suspicion of abuse of power and treachery he was removed from office and put under house arrest by order of Muḥammad Raḥīm Khān II, see Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUZ, inv. no. 9596, fols. 477a–477b.

92 Muḥammad Riẓā Āgahī, *Gulshan-i dawlat*, MS Tashkent, IVANRUZ, inv. no. 7572, fols. 45a; 58b–66b; see also Iu.E. Bregel, *Dokumenty arkhiva khivinskikh khanov po istorii i etnografii karakalpakov* (Moscow: Nauka, 1967), pp. 20–21.

93 N.G. Zalesov, “Posol’s tvo v Khivu i Bukharu Polkovnika Ignat’eva v 1858 godu,” *Russkii vestnik* 2 (1871), p. 446.

94 Ibid., p. 427.

95 Letter of Colonel Ignat’ev to General Kovalevskii on 20 August [1858], *ibid.*, p. 472.

96 E.B. Kilevein, “Otryvok iz puteshestviia v Khivu i nekotorye podrobnosti o khanstve vo vremia pravleniia Seid-Mokhammed Khana, 1856–1860,” in *Zapiski Imperatorskogo Russkogo Geograficheskogo Obshchestva*. Bk. 1. (St. Petersburg, 1861), p. 11. The same individuals – Raḥmatullah Yasāvulbāshī and Maḥmūd Yasāvulbāshī – would be mentioned by Bayānī, a Khivan court historian, with regard to later events: both would be named among the military leaders who led the Khivan military formations during the conquest of the khanate by Russian troops in May 1873, see Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUZ, inv. no. 9596, fol. 448a.

the *yasāvlbāshīs* with crucial areas of Qonghrat policy. Such responsibilities, and the particular trust that the rulers invested in the *yasāvlbāshīs*, inevitably reinforced their status within the Khivan court and administrative hierarchy.

It is striking, however, that Qonghrat court chronicles, while describing the multiple activities played by *yasāvlbāshīs*, are often silent about their role in hearing subjects' petitions. Nor do we hear much from foreign observers. For instance, Gregor von Helmersen and Grigorii Gens, the authors of a detailed survey of the khanate in 1840, noticed that Khivan subjects who wished to submit a petition to the royal court had first to contact the *mihtar* – one of the most influential officials in the khanate. In case of the latter's absence the appellants were expected to apply to the *qūshbīgī*, another senior official, 'and if he [too] is not present, then to the [courtier named] *Khwādjesh-maḥram*.'⁹⁷ Thus, when describing the circle of Khivan courtiers who were presently in charge of the resolution of disputes, Helmersen and Gens said nothing about any involvement by *yasāvlbāshīs*. Nor did Gregor Danilevskii and Friedrich Basiner, members of a Russian diplomatic mission to Khiva in 1841, make any mention of the *yasāvlbāshīs*' role while describing the process whereby subjects appealed to the royal court.⁹⁸

The earliest reference to the direct involvement of the *yasāvlbāshī* in the hearing of petitions and their subsequent investigation belongs to Alexander Kuhn, who was appointed to carry out a thorough inspection of the khanate in the summer of 1873, in the wake of the conquest of Khiva by Russian troops. Kuhn depicts the competences of the *yasāvlbāshī*, especially in the system of dispensation of justice as follows:

97 Georg von Gens, Gregor von Helmersen, "Izvestiia o Khive, Bukhare, Kokande i severo-zapadnoi chasti Kitaiskogo gosudarstva", in *Istoriia Kazakhstana v zapadnykh istochnikakh XII–XX vv. Tom 5: Nemetskie issledovateli v Kazakhstane. Chast' 1*, ed. I.V. Erofeeva. (Almaty: Sanat, 2006), p. 36. On Khwājash Maḥram, one of the most influential courtiers in Khiva over the first half of the 19th century, see Muḥammad Riḏā Āgahī, *Riḏāz al-dawla*, MS St Petersburg, IVRRAN, inv. no. D-123, fol., 55a; Murav'ev, *Puteshestvie v Turkmeniiu i Khivu v 1819 i 1820 godakh*, pt. 2, pp. 33–34; [Iskander Batyrshin] "Zapiska mladshego perevodchika Orenburgskoi pogranichnoi komissii Iskandera Batyrshina o Khivinskom khanstve i khane Prisyrdar'inskikh kazakhov Ermukhammede (Ilekee) Kasymove," in *Istoriia Kazakhstana v russkikh istochnikakh XVI–XX vekov. Tom VI: Putevye dnevniki i sluzhebnye poezdki po iuzhnykh stepiam XVIII–XIX veka*, eds. I.V. Erofeeva and B.T. Janaev (Almaty: Daik-Press, 2007), p. 307.

98 [G.I. Danilevskii], "Opisanie Khivinskogo khanstva, sostavlennoe v 1842 g. podpolkovnikom G.I. Danilevskim," in *Zapiski Imperatorskogo geografskogo obshchestva*. Kn. 5 (St. Petersburg, 1851), p. 134; Theodor-Friedrich Basiner, "Estestvenno-nauchnoe puteshestvie po Kirgizskoi stepi v Khivu," in *Istoriia Kazakhstana v zapadnykh istochnikakh XII–XX vv. Tom 5: Nemetskie issledovateli v Kazakhstane. Chast' 1*, ed. I.V. Erofeeva (Almaty: Sanat, 2006), pp. 354–355.

The Esaul-bashi (=Yasāvulbāshī) is a military commander. There are two of them in the khanate: one commands the Turkmen Yomuts, the other the Chawdurs. It is their responsibility to command their forces as instructed by the khan, and in peacetime each in turn is required to be present when the khan receives *arzs* (petitions). Each Esaul-bashi has several helpers, also called Esauls. When he receives an order from the khan to investigate a specific petition, he sends one of his helpers with the petitioner to the site of the conflict. When the Esaul has finished his investigation, he takes $3\frac{1}{2}$ *tangas* – 70 *kopeks* – from the petitioner for each *tash* (18 versts) that he has travelled while following up this matter. In the past, the Esaul-bashi had as his insignia for this post a [special] wand – an *asa* – with a silver cane-head, but now he simply has a knife at his belt.⁹⁹

Kuhn's narrative therefore leaves little doubt that by 1873, at the latest, not only did *yasāvulbāshīs* take part in military campaigns and command Turkmen formations, but they also played a central role in the dispensation of justice. Kuhn's description also provides unambiguous evidence that the *yasāvulbāshī* participated in both the procedure of receiving petitions, and the subsequent activities, delegating his attendants (*yasāvul*) to the site of the conflict. The specifics of the *yasāvulbāshīs'* involvement in the resolution of conflicts, as witnessed by Kuhn in 1873, correspond to what we have reconstructed in the previous sections of the book.

A further expansion of the *yasāvulbāshī's* status and authority can be observed during the period after the establishment of the Russian protectorate over Khiva, and especially from the early 20th century.¹⁰⁰ It is natural that tasks such as ensuring internal stability and governing over Turkmen subjects thus acquired increased importance for the Qonghrats. It does not come as a surprise that the *yasāvulbāshīs*, who were actually in command of the police forces and who possessed a long-standing institutional experience of dealing with the Turkmen subjects, gained additional authority and stature. Being promoted predominantly from among the khan's close associates (*maḥram*),¹⁰¹ the

99 A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 410b.–42.

100 Becker, *Russia's Protectorates in Central Asia*, pp. 74–76.

101 For instance, Mamat Yasāvulbāshī and Dawlat Murad Yasāvulbāshī, the prominent officials who occupied this office, had started their career at the court as 'the closest associates' of the Qonghrat ruler Muḥammad Raḥīm Khān II; see Tarroh-Khodim, *Khorazm shoir va*

yasāvlbāshī furthermore tended to enjoy royal confidence and often was in charge over the execution of secret and delicate assignments of the Qonghrat dynasts.¹⁰²

We now come to the early 20th century, where we frequently encounter *yasāvlbāshīs* among the high-ranking officials of the khanate with a broad range of responsibilities and much recognised authority. Nil Sergeevich Lykoshin (1860–1922),¹⁰³ who as the newly appointed Head of the Amu-Darya Department paid a visit to the Khivan ruler Isfandiyyār Khān in May 1912, described *Yasāvlbāshī* Muḥammad Yūsuf as ‘one who occupies a prominent post at the court’¹⁰⁴ and who is ‘respected by all.’¹⁰⁵ A few months later, in his report to the Governor-General of Turkestan, Lykoshin named the same *yasāvlbāshī* as ‘the most important senior official’ alongside Sayyid Islām Khwāja, this latter at the time being the ‘chief minister’ of the khanate (*vazīr-i akbār*).¹⁰⁶

As a vivid indicator of the growing significance of the *yasāvlbāshī* position in the court hierarchy, in the early 20th century the designation of *yasāvlbāshī* in chancery documents is often coupled with the epithet of ‘minister’ (*vazīr*). The documents published in this work eloquently illustrate such a shift in writing practices. We thus observe instances of addressing this officeholder as ‘refuge of the vizierate’ (*vizārat-panāh*), ‘noble vizier’ (*vazīr al-kirām*), ‘most eminent vizier’ (*vazīr-i aʿẓām*), ‘illustrious councilor’ (*dastūr al-mukarram*).

navozandalari, p. 81; Bābājān Safarov. *Khawārazmda būlūb ūtgān qūlchiliq aḥvāllārī nīng wāqʿalārī*. MS Tashkent, IVANRUz, inv. no. 11254/11, fols. 87–90.

102 See for instance ‘Abdullāh Bāltaev, *Khawārazm taʾriḥhīga matiriyallār* (Khiva 1950), MS Tashkent, IVANRUz, inv. no. 9320, fol. 5a; Tarroh-Khodim, *Khorazm shoir va navozandalari*, p. 16.

103 Nil Sergeevich Lykoshin was an official of the Russian colonial administration in Turkestan as well as an Orientalist. He began his career in Turkestan in 1889 as a non-commissioned officer, advanced through the hierarchy, and, between 1914 and 1917, served as military governor of the Samarkand District (*oblastʾ*) with the rank of major general. Between 1912 and 1914 he served as head of the Amu-Darya Department and was closely involved in relations with the Khivan administration on a wide range of issues. He is also known for his historical and ethnographic interests in Central Asia, see A. Morrison, “Sufism, Pan-Islamism and Information Panic: Nil Sergeevich Lykoshin and the Aftermath of the Andijan Uprising,” *Past and Present* 214.1 (2012), pp. 255–314.

104 N.S. Lykoshin, *Zapiska Nachalʾnika Amu-Darʾinskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 200b.

105 N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 630b.

106 According to Lykoshin, Muḥammad Yūsuf *Yasāvlbāshī* and Sayyid Islām Khwāja were the only two individuals around the khan who were bestowed with ‘a special sabre with a red cloth covering,’ like the one which the Khivan ruler himself ‘wore instead of a crown when on parade;’ see: [Nil Lykoshin], *Raport Nachalʾnika Amu-Darʾinskogo Otdela, polkovnika Lykoshina, 28.11.1912 g., № 52*, TsGARUz, f. I-2, op. 1, d. 289, l. 176.

This comes in stark contract with earlier records from the 1860s, when the epithet of vizier is not employed in connection with *yasāvulbāshīs*.¹⁰⁷

Yuri Bregel noted that for most of the 19th century the epithet ‘vizier’ tended to be applied predominantly (if not exclusively) to two of the higher ranks of the khanate, namely the *mihtar* and *qūshbīgī*. He also argued that the concept of the ‘vizierate’, at least until 1860, was exclusively connected with these particular offices.¹⁰⁸ This is borne out also by local chroniclers who tended to confer the epithet *vazīr* solely upon holders of the post of *mihtar* and *qūshbīgī*.¹⁰⁹ Echoing 19th-century European observers’ reports,¹¹⁰ Bregel also identified the official duties of the *mihtar* and *qūshbīgī* as those of the ‘minister of internal affairs’ and ‘minister of war’ respectively, wherein the *mihtar*’s responsibilities included the running the civil administration and standing in for the khan in the latter’s absence, while the *qūshbīgī* was responsible for administering the armies.¹¹¹ Meanwhile, as illustrated in the preceding part of this section, by the late 19th and early 20th century, some part of those responsibilities formerly exercised by the *mihtar* and *qūshbīgī* was taken over by the *yasāvulbāshī*. Hence, we may safely conclude that the rise of the formal competence and position of the *yasāvulbāshī*, especially observable by the early 20th century, and the integration of this office into the highest echelons of the khanate’s court hierarchy, found its manifestation also in the epithets conferred upon them.

The fact that by the beginning of the 20th century *yasāvulbāshīs* held similar status to *qūshbīgīs* and *mihtars* in court hierarchy is indicated also by Pahlavān Niyāz Hājji Yusupov (1861–1936), who was one of the leaders of the Young Khivans. Describing a meeting in 1917 between the soldier-delegates of Russian garrison in Khiva and Isfandiyār Khān, the author, who was an eyewitness to the event, reported:

... on one side of the terrace sat the *qazīs* and [other] ‘*ulamā*’, and on the other – the members of the parliament (*majlis*), and above them sat the soldier-delegates – on chairs. The [three] viziers – the *qūshbīgī*,

107 In these earlier dispatches, more general epithets appear, such as ‘*izzat-panāh*, *sa’adat-dastgāh*, ‘*izzat va sa’adat-hamrah*’, see TsGARUz, f. I-125, op. 2, d. 159.

108 Yu. Bregel, “The Sarts in the Khanate of Khiva,” *Journal of Asian History* 12.2 (1978), pp. 131–132.

109 See for instance, Muḥammad Riżā Āgahī, *Riyāz al-dawla*, MS St Petersburg, IVRRAN, inv. no. D-123, fols. 52b., 63a.

110 Murav’ev, *Puteshestvie v Turkmeniū i Khivu v 1819 i 1820 godakh*, pt. 2, pp. 32–33; Basiner, *Estestvenno-nauchnoe puteshestvie po Kirgizskoi stepi v Khivu*, p. 354; Stetkevich, “Ocherki Khivinskogo oazisa,” *Voennyi sbornik* 3 (1892), p. 14.

111 Bregel, “The Sarts in the Khanate of Khiva,” pp. 132–133.

the *mihtar* and the *yasāvulbāshī* – were standing.... All rose from their places and loudly greeted the khan according to the long-established tradition.¹¹²

Let us now go over some details of the biography and career history of certain individuals who occupied the office of *yasāvulbāshī* over the timespan covered by our documents, i.e. 1910–1920.

A sizable number of royal rescripts (*fatak*) were sealed by Muḥammad Yūsuf Yasāvulbāshī (d. 1917), a son of ‘Awaḡ Niyāz Maḥram. The seal can be found in records issued between September 1910 and the middle of November 1917. The Russian officer Nil Lykoshin provides some important information concerning this official, whom he met in Khiva in 1912:

... Esaul Bashi Mukhammad Yusuf Afaznii az Makhrarov, 66 years. Being a childhood friend of the late khan [Muḥammad Raḥīm 11] has served at the court since his youth, and was earlier a consul in Petro-Aleksandrovsk. He has been universally respected [in Khiva]. He maintains the old-fashioned way of life (*po-starinnomu*), and has not had his house altered to imitate the Russian style. [He is i]nclined to oppose reforms and innovations ...¹¹³

We find a brief reference to this Khivan official also in the work of Pahlavān Niyāz Ḥājji Yusupov. Describing the events of October 1917, the author mentions his conversation with the ‘late’ Yūsuf Yasāvulbāshī, evidently alluding here to the latter’s death shortly thereafter. This is also confirmed by information from our documents: the seals of Muḥammad Yūsuf Yasāvulbāshī are found on the rescripts right up until the middle of November 1917.¹¹⁴

Yet another figure who also occupied this office during the initial years of Isfandiyār Khān’s reign was Shaykh Naẓar Bāy Yasāvulbāshī (d. 1917), one of the sons of Muḥammad Murād Divānbīgī (d. 1901). According to Laffasī, immediately after Isfandiyār Khān’s succession to the throne in 1910, a whole series of senior officials were reshuffled, and Shaykh Naẓar Bāy was promoted to the post of *yasāvulbāshī*.¹¹⁵ Although his occupation of this post during the period

112 Pahlavān Niyāz Ḥājji, [*Khāṭiralar*]. MS Khiva, Private Collection of Anvar Otaboev, fols. 103b–104b.

113 N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 630b.

114 See, e.g.: TsGARUz, f. I-125, op. 2, d. 633, ll. 178, 179, 180.

115 Ḥasan-Murād Laffasī, *Gulshan-i sa’adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 5b. According to another Khivan author, Bābājān Tarrāh, Shaykh Naẓar Bāy’s promotion to

1910–1915 was rather intermittent – during his tenure he was briefly arrested, and periodically fell out of royal favour¹¹⁶ – it appears in general that Shaykh Naẓar Bāy enjoyed considerable influence at the court¹¹⁷ and great authority among the wider population.¹¹⁸ Shaykh Naẓar Bāy's career owed much to the fact that he was a part of Muḥammad Murād Dīvānbīgī's powerful clan, whose members occupied a number of key positions and concentrated considerable resources in their hands.¹¹⁹ As a member of this family, Shaykh Naẓar Bāy had been in the khan's 'cohort' from the very beginning and could expect promotion to high office. In his capacity as *yasāvulbāshī*, besides overseeing the settlement of the disputes, Shaykh Naẓar Bāy's spheres of competence also included 'the government of all the Turkmen affairs on behalf of the khan of Khiva'¹²⁰ and, in particular, responsibility for collecting *zakāt* from the Turkmen population.¹²¹ In August 1915, in the wake of a major Turkmen uprising, Shaykh Naẓar Bāy was held responsible for the disorder and, upon the insistence of the Russian administration, removed from his post and exiled to Russian Turkestan (Chimkent).¹²² After his return from exile in December 1916, he was effectively detached from active political activities.¹²³

the office of *yasāvulbāshī* had occurred slightly earlier, during the last years of Muḥammad Raḥīm Khān II's reign, when he 'was bestowed with the rank (*mansab*) of *yasāvulbāshī* and commander of the armies of Khorezm (*askarbashilik*),' Tarroh-Khodim, *Khorazm shoir va navozandalari*, pp. 76–77.

- 116 For details, see U. Abdurasulov, "Tainy khivinskogo dvora: politicheskaya bor'ba v Khive v period Rossiiskogo protektorata," *Vostok svyshe* 3 (2015), pp. 38–56.
- 117 Some authors characterize Shaykh Naẓar Bāy as the leader of an influential political grouping at the court, opposed to the powerful minister Sayyid Islām Khwāja.
- 118 According to Laffasī, a contemporary to these events, when Shaykh Naẓar Bāy returned from exile in December 1916, the whole population of Khiva, 'from the ages of 7 to 70,' went out to meet him: Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 83b.
- 119 The brothers of Shaykh Naẓar Bāy occupied the leading positions in the khanate: Ḥusayn Muḥammad Bāy held the post of *dīvānbīgī*, Ṣāḥib Naẓar Bāy, that of *mihtar*, while Āmān Kildī Bāy was one of the khan's confidants (*maḥram*): Ibid., fol. 10a.
- 120 Laffasī, *Tazkirai shuaro*, pp. 52–53; Tukhtametov, *Rossiiā i Khiva v kontse XIX–nachale XX veka*, p. 68.
- 121 A. Shioya, "Povorot and the Khanate of Khiva: A New Canal and the Birth of Ethnic Conflict in Khorazm Oasis, 1870s–1890s," *Central Asian Survey*, 33.2 (2014), p. 239; N. Tashev, "Zanimal li Mukhammad Yusuf Baiani dolzhnost' divan-begi?," *O'zbekiston tarixi* (2009/2), p. 18.
- 122 Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 33a; Becker, *Russia's Protectorates in Central Asia*, p. 183.
- 123 According to Laffasī, Shaykh Naẓar Bāy died in Khiva in August 1917, a few months after his return from exile, Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 97a.



FIGURE 2 The Khivan ruler Isfandiyyār Khān sits (at the center) among his courtiers (1911). Muḥammad Yūsuf Yasāvulbāshī is in the front row, i.e., the first from the right. Shaykh Nazar Bāy Yasāvulbāshī is the second from the left

PHOTO COURTESY OF VLAD YAKOVLEV, MOSCOW, RUSSIA

Examining the seals attached on rescripts also allows us to shed light on other individuals who held the post of *yasāvulbāshī* during the reign of Isfandiyyār Khān and his successor, Sayyid ‘Abdullāh Khān, the last Khivan monarch. They also enable us to reconstruct the rough lengths of their tenures. For instance, a significant number of rescripts issued between 1911 and 1915 were stamped with the seal of Muḥammad Maḥram Yasāvulbāshī (d. 1915), a son of Muḥammad Ḥusayn.¹²⁴ Lykoshin, who happened to meet Muḥammad (Mamat) Maḥram in 1912, writes that at that time he was around 50 years old, and that he had begun his court career ‘from his early years’, as a *maḥram* (‘confidant’) of Muḥammad Raḥīm Khān II, but had ‘only recently’ been promoted to the office of *yasāvulbāshī*.¹²⁵ Along with hearing subjects’ petitions, Muḥammad

¹²⁴ The earliest rescript with the signature of Muḥammad Maḥram Yasāvulbāshī is dated to 16 April 1911 (see: TsGARUz, f. I-125, op. 2, d. 655, l. 30), while the latest is dated to 15 March 1915: TsGARUz, f. I-125, op. 2, d. 656, l. 11.

¹²⁵ N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 63 ob. See also Tarroh-Khodim, *Khorazm shoir va navozandalari*, p. 16, fn. 4.

Maḥram was in charge also of the collecting of *zakāt* ‘from the goods [delivered from] Bukhara as well as the [charges] due to [provision of services of] the *ughlāns*¹²⁶ (*bachchas*).’¹²⁷ The Khivan author Bābājān Safar-ūghli (Safarov, 1891–1983) provides some interesting details about the provenance of this official, giving thereby a certain insight into the career trajectories of upwardly mobile courtiers in Khiva:

A boy named Mamat came from Iran [to Khorezm] from Iran, having been sold into slavery. He was handsome and comely. Muḥammad Raḥīm Khān [11] chose him as his *bachcha*; and when he grew up, he made him his *yasāvulbāshī*.¹²⁸

Mamat Yasāvulbāshī’s seals suggest that he occupied this post over the period of time 1911–1915. Local authors also indicated that Mamat Yasāvulbāshī died in a battle with Yomut Turkmens in late 1915, wherein he was one of two commander of Khivan troops,¹²⁹ during the mass revolt against the central authorities.¹³⁰

Seals further indicate that the post of *yasāvulbāshī* was then occupied, though only for a short while, by Āmān Kildī Bāy,¹³¹ a brother of the

126 Pers.: *bachcha* or *bachchabāzī*; Turk.: *ūghlān* (lit.: ‘boy’; ‘boy play’), a term used to refer to a practice documented in various regions of Central Asia, whereby older men employed the services of boys for purposes of entertainment. Although *bachchabāzī* is closely associated with pederasty, sources in fact paint a more complex picture. Evidently, in the Khanate of Khiva *bachchas* constituted a discrete social group administered by individuals known as *sāzanda*. The latter operated upon permission of the royal court in Khiva. *Sāzandas* were expected to pay a tax to the treasury as well as a fee to the families of the *bachchas*, see Gleb Snesev, *Polevye zapisi: Khorezm, 1961*, AIEARAN, f. G.P. Snesev, d. 10. ll. 21, 29, 45. On *bachchas* in Central Asia, see I. Baldauf, “Kraevedenie and Uzbek National Consciousness,” *Papers on Inner Asia*, no. 20 (Bloomington, 1992).

127 N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 63ob. Similar reports about this dignitary appear in Laffasī. Specifically, the latter reports that the appointment of Muḥammad Maḥram as *yasāvulbāshī* occurred at the end of 1911, after he had been relieved from his earlier post as royal treasurer (*khazīnachī*), Ḥasan-Murād Laffasī, *Gulshan-i sa’adat*, MS Tashkent, IVANRUz, inv. no. 7797, fols. 18b, 76a–77a, 80a.

128 Bābājān Safarov, *Khvārazmda būlūb ūtgān qūlchīlīq ahvāllārīnīng vāqī’alārī*, MS Tashkent, IVANRUz, inv. no. 11254, fols. 87b–88a; this statement also finds support in the work by Bobojon Tarroh, see his, *Khorazm shoir va navozandalari*, p. 16.

129 Ḥasan-Murād Laffasī, *Gulshan-i sa’adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 28a.

130 Ibid., fol. 80a. According to Safarov, Junayd Khān ordered Mamat Yasāvulbāshī to be put to death ‘by burning’, Bābājān Safarov, *Khvārazmda būlūb ūtgān qūlchīlīq ahvāllārīnīng vāqī’alārī*, MS Tashkent, IVANRUz, inv. no. 11254, fol. 88.

131 Kosbergenov claims that, in light of their economic status, Qaraqalpaq bāys enjoyed the same authority as did *ātālīqs* and *bīs*, see R. Kosbergenov, “Polozhenie karakalpalskogo

afore-mentioned Shaykh Nazar Yasāvulbāshī. Although this individual often appears in our sources as operating in different capacities,¹³² there had been hitherto no information regarding his activity in the position of *yasāvulbāshī*. Our documents provide clear evidence about Āmān Kildī Bāy's occupation of this office in the period between early 1916 to March 1917.¹³³

Starting from around the autumn of 1917 the office was occupied by Muḥammad Ya'qūb Yasāvulbāshī. The latter was a son of the afore-mentioned Muḥammad Yūsuf Yasāvulbāshī, who had held this post a few years earlier. Evidently, Muḥammad Ya'qūb inherited the post from his father in 1917 and, as the seals on rescripts clearly indicate, he continued to occupy the office right until early 1920.¹³⁴

Contemporary with Muḥammad Ya'qūb Yasāvulbāshī was another *yasāvulbāshī* named Dawlat Murād Maḥram (d. 1920), a son of Īsh Muḥammad. We find evidence regarding the circumstances of his promotion to the post of *yasāvulbāshī* in the various accounts of local authors. In October 1918, after the murder of Isfandiyār Khān by order of the Turkmen leader Junayid

naseleniia v Khivinskom khanstve v kontse XIX–nachale XX v.," in *Trudy Khorezmskoi arkhologo-etnograficheskoi ekspeditsii. III. Materialy i issledovaniia po etnografii karakalpakov*, ed. T.A. Zhdanko (Moscow: Izdatel'stvo Akademii nauk SSSR, 1958), p. 261. Yūldoshev and Bregel argued that *bāys* were representatives of the merchants and could be found among attendants of the royal court, see, respectively, *Khiva khonligida feodal yer egaligi*, p. 257 and "The Sarts in the Khanate of Khiva," pp. 126–127. Bregel also noted that 'persons to whose names was added the title *bāy* in Khivan chronicles, were often governors of towns in the southern part of the country,' (Ibid., 127). Diplomas of appointment (*yārliq*) from Khiva indicate that under the rule of the Qonghrats, *bāy* was also a title conferred upon individuals appointed to a specific administrative office. Documents courtesy of Komiljon Khudaybergenov.

132 See, e.g., Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUZ, inv. no. 7797, fol.10b; Tukhtametov, *Rossiiā i Khiva v kontse XIX–nachale XX veka*, pp. 68–69. Akifumi Shioya notes that Āmān Kildī Bāy shared responsibility for governing the Turkmens with his brother Shaykh Nazar Bāy, "Povorot and the Khanate of Khiva: A New Canal and the Birth of Ethnic Conflict in Khorazm Oasis, 1870s–1890s," p. 239.

133 We have a series of rescripts sealed by Āmān Kildī Bāy in the year 1913; see, e.g.: TsGARUZ, f. I-125, op. 1, d. 633, l. 196. However, such documents were a one-off, and moreover on the official seal the name is shown as Āmān Kildī Bāy, without any indication that he held the post of *yasāvulbāshī*. It could be that during this time he periodically stood in for his brother Shaykh Nazar Bāy Yasāvulbāshī to take petitions from the population when the latter was away. However, on seals from the many rescripts of 1916 to 1917, his name now figures as Āmān Kildī Bāy Yasāvulbāshī, which indicates that by the time in question he did occupy the post officially. See, e.g.: TsGARUZ, f. I-125, op. 1, d. 656, ll. 14–17.

134 See, e.g.: TsGARUZ, f. I-125, op. 2, d. 633, l. 157; d. 656, l. 44.

Khān,¹³⁵ the former's brother Sayyid 'Abdullāh Khān (1918–1920) acceded to the Khivan throne.¹³⁶ His enthronement was followed by the appointment of Dawlat Murād, who was known as a *maḥram*¹³⁷ of the former Khivan ruler Muḥammad Raḥim Khān II, to the post of *yasāvulbāshī*.¹³⁸ Owing to his close relations with Junāyid Khān, Dawlat Murād Yasāvulbāshī 'kept in his hand the whole [range of] of the state's external and internal affairs,'¹³⁹ whereas Sayyid 'Abdullāh Khān, the nominal Qonghrat ruler, 'was rather a marionette' in the hands of his *yasāvulbāshī*.¹⁴⁰ Amongst Dawlat Murād's broad range of administration responsibilities, he was placed in charge of settling disputes amongst the population. The rescripts concerning the settlement of grievances with the seal of Dawlat Murād Yasāvulbāshī were issued down to the beginning of 1920,¹⁴¹ until the fall of the Qonghrat khans of Khiva. In February 1920, a pro-Bolshevik *coup d'état* in Khiva brought the ruling khanate to an end. With the fall of the Qonghrat *ancien régime*, the office of *yasāvulbāshī* also sank into oblivion.

4 'Arz as a Form of Governance

Allāh Qulī Khān initiated a range of projects to reconstruct the city of Khiva, aiming to turn the capital into one of the key symbols of Qonghrats' sovereignty. Allāh Qulī Khān's predecessors had been forced to concentrate most of their energies on firming up the power of the new dynasty, putting down uprisings of oppositional groups, and reorganising practices of state administration.¹⁴² In some respects, Allāh Qulī Khān inherited a rather more secure regime

135 By a cruel twist of fate, Isfandiyār Khān was assassinated in the audience hall (*arz-khāna*) of his residence immediately following the conclusion of the ceremony of hearing of the subjects' petitions (*fuqarālārnī 'arzi tamām bulghānīdān sūng*), Pahlavān Niyāz Ḥājji, [*Khāṭīralar*]. MS Khiva, Private Collection of Anvar Otoboev, fols. 230b–231b.

136 'Abdullāh Bāltaev, *Khvārazm ta'rikhiga matiryallār* (Khiva 1950), MS Tashkent, IVANRUz, inv. no. 9320, fols. 20a–20b.

137 On details of his biography, see Laffasī, *Tazkirai shuaro*, pp. 56–57; Tarroh-Khodim, *Khorazm shoir va navozandalari*, pp. 80–84.

138 Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 102a; Pahlavān Niyāz Ḥājji, [*Khāṭīralar*]. MS Khiva, Private Collection of Anvar Otoboev, fols. 230b–231b.

139 Laffasī, *Tazkirai shuaro*, pp. 56–57; Pahlavān Niyāz Ḥājji, [*Khāṭīralar*]. MS Khiva, Private Collection of Anvar Otoboev, fols. 233b.

140 *maḥz-i ism būlūb tūrgḥān*, ibid., fol. 233b.

141 See, e.g.: TsGARUz, f. I-125, op. 1, d. 633, l. 75.

142 Abdurasulov, "The Aral Region and Geopolitical Agenda of the Early Qongrats".

than his predecessors had done, together with 'a rich treasury and a powerful state,' as one Khivan court historian put it.¹⁴³ He was therefore able to turn his attention to the redevelopment of Khiva's urban architecture and one of the most notable of his initial enterprises was the construction of a new royal palace in Khiva called *Tāsh Hawlī* ('Stone Courtyard'). As part of this monumental project, the ruler commissioned the construction of a 'chamber of petitions' (*'arz-khāna*) that was designed to allow the khan to receive claimants and hear their grievances directly. The chamber was built so that the hearing would be 'suitable to the royal status' of the rulers (*pādshālīqqa lāyiq*), whereas, previously, hearings had taken place at the old royal court (*kuhna arikda* [sic]),¹⁴⁴ which is to say, in the apartments of the khan, without any officially designated protocol.¹⁴⁵

The court historian Muḥammad Yūsuf Bayānī (1858–1923) reports that in this, and in other buildings constructed in the places of regular residence of the Khivan rulers, the khan would spend an hour every day, before sunset, 'dispensing justice' (*'adl-u-dād mashghūl idīlār*) by hearing petitions from the public.¹⁴⁶ It is here that we can appreciate the importance of hearing the grievances of the populace for the Qonghrats: the dispensation of justice was not only a form of governance deployed to exploit fissures and cleavages among the populations and thus bring the ruler closer to the many concerns of his subjects, but was also a physical and permanent attribute of sovereignty, embodied in the architecture of the royal court.

Another Khivan author, 'Abdullāh Bāltāev (1890–1966), described how the Qonghrat ruler Muḥammad Raḥīm Khān II used to visit the estates of his numerous offspring, scattered across different parts of the khanate. Such visits were usually accompanied by the hearing of petitions from the population (*'arz surāghāndūr*), in a room specially set aside for this purpose in such

143 Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUz, inv. no. 9596, fol. 250b.

144 'Abdullāh Bāltāev, *Khīva-da Tāsh-hawlī binā-sīning tāpāgrafiyasī*, Khiva 1950, MS Tashkent, IVANRUz, inv. no. 9321, fols. 3b, 5b.

145 *Avval vaqtdā 'arz sūrāsh ūchūn qilinādūrghān 'imāratnī bāshlādī. Khīvanī pāytakhtī bülghān kuhna arik avvalghī khānlārdīn qālghān idāra bülghānī ūchūn bül jāy bitgāncha shūl kuhna arikda 'arz-dād sūrāb ūltūrđi 1839-nchī milādīdīn kiyn shūl bināgha qūshūb 'arz-khāna binālārnī ham bāshlāb ālti yil ichindā ānī ham bitkāzđi 1254-nchī hijrī yilindā khān ūyindā ūltūrghān vaqtdā khalqning 'arzlārīnī shūl banā qūlghān 'arz-khānadā sūrāshnī davām qūldirdi*; ibid., fol. 10a.

146 Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUz, inv. no. 9596, fol. 298a.

estates.¹⁴⁷ The same Muḥammad Raḥīm Khān II preferred to spend most of the long scorching Khorezmian summer in his suburban residence of Qibla Tāza-Bāgh. Here too he ordered the construction of an *‘arz-khāna*, worthy of its royal function (*pādshālīqgha lāyiq*), where the sovereign also occupied himself with the settling of the grievances and suits filed by his subjects (*khalqī ‘arz-dādīnī ham shūl ḥāvlīda tīnglār īdī*).¹⁴⁸

Further eloquent attestation to the importance of the Khivan ruler's participation in the regular hearing of lawsuits is found in a description left by Bābājān Tarrāh (1878–1971), who served Muḥammad Raḥīm Khān II as court poet and scribe (*mūrzā*). Describing the last years of the khan's reign, the author reports that the deterioration of the ruler's health, especially his partial paralysis, made the regular holding of hearing grievances very difficult (*khalqnī ‘arz-dādīgha chīqīshgha yaramas buldī*).¹⁴⁹ The khan himself, according to Tarrāh, proposed that the hearing of grievances from the public be delegated to the hereditary prince, Isfandiyār Tūra. Clearly fearing rumors among the population and possible disturbances caused by the absence of the ruler,¹⁵⁰ the khan's retinue was able to ensure his continuous personal involvement in the procedure. Here, Tarrāh puts an interesting argument into the mouth of one of the courtiers addressing the khan: 'Your Majesty! You have read the history; it is not proper [for the ruler] to devolve his authority (*ikhtiyār*) to his heir during his lifetime.'¹⁵¹

147 Specifically, he did this during his visits to his sons 'Ibādullāh Tūra in Rāfanik and 'Aşqar Maḥmūd Tūra, see 'Abdullāh Bāltāev, *Khīva isdalīklārī*, MS Tashkent, IVANRUz, inv. no. 11645, fols. 39b–40a; 82a.

148 Ibid., fol. 35b.

149 Bobojon Tarroh-Khodim, *Khorazm shoir va navozandalari*, p. 30. According to the author, he was tasked by the sovereign with keeping a record of, among other things, the khanate's poets and writers (*shoir*) and their creative works. As a result, he was in close contact not only with court literary circles but also with many prominent officials who regarded the composition of poetry as an effective way to make a successful career at court. Between 1965 and 1967, Tarrāh compiled an anthology of thirty-one court poets, along with his personal recollections. The first abridged edition of the text was published in 1994 as Bobojon Tarroh Azizov-Khodim, *Khorazm shoir va navozandalari. XIX asr okhiri–XX asr boshlarida Sayid Muhammad Rahimkhoni soniy davrida yashagan shoirlar haqida esdaliklar*, ed. Davlatyor Rahim (Tashkent: G'afur G'ulom nomidagi Adabiyot va san'at nashriyoti, 1994).

150 There was a genuine threat of potential uprisings in Khiva in the last month of Muḥammad Raḥīm Khān II's life, due to the incapacity of the ruler, as the extensive correspondence of representatives of the Russian colonial administration in Petro-Aleksandrovsk, Tashkent and St. Petersburg makes clear. For details, see Abdurasulov and Sartori, *Neopredelennost' kak politika: razmyshleniia o prirode rossiiskogo protektorata v Srednei Azii*, pp. 129–133.

151 Tarroh-Khodim, *Khorazm shoir va navozandalari*, p. 30. Russian officials who were with the khan at this time report that right until the end of his life, Muḥammad Raḥīm Khān treated his personal involvement in the reception of citizens' appeals with utmost solemnity and punctiliousness, refusing to even countenance the idea of entrusting the

As a result, a special 'carriage' (*araba*) was constructed to bring the khan to the 'chamber of petitions' (*'arz-jāy*) immediately before the ceremony. During the reception of petitioners, one of the court attendants (*'arz-dād maḥramī*), a certain Dawlat Murād Maḥram, would prop up the khan's back as he sat on his throne. 'Thus,' concludes Bābājān Tarrāh, 'Muḥammad Raḥīm Khān 11 heard the grievances of his subjects even within one year [of his death].'¹⁵²

The regular hearing of public grievances had to be ensured, even during periods when the supreme ruler found himself outside of the khanate. The Khivan historian Ḥasan Murād Laffasī (1880–1949) informs us, for example, that Isfandiyār Khān during his periodic visits to St. Petersburg for an audience with the Russian emperor, appointed proxies for receiving public grievances (*fuqarānīng 'arz-dādi ūchūn*).¹⁵³ The same practice was also used by the khan when he found himself outside of the capital in extraordinary circumstances.¹⁵⁴

Thus, for the khan himself and for those around him, the *'arz-dād* was more than simply a ritualised ceremonial. It is clear that it was an important attribute of the sovereign's power, an indicator of his ability to rule over territories that were highly varied both in account of their ecological niches and their social geography. Another episode that is telling in this respect occurred at the end of the reign of Isfandiyār Khān (r. 1910–1918). It is described in detail in the memoirs of Pahlavān Niyāz Ḥājji Yusupov. In April 1917, against the backdrop of the revolutionary events in Petrograd, and under pressure from local reformers, the Khivan ruler Isfandiyār Khān was forced to support a range of legislative initiatives, designed to place significant limits on the power of the sovereign and, effectively, to establish a constitutional monarchy. The Young Khivans, who initiated the reform process, wanted to transfer most of the monarch's powers to the new representative body of a 'parliament' (*majlis*). Nonetheless they felt unable to strip the khan of his prerogative of receiving petitions from the population. Yusupov relates how Isfandiyār Khān became 'beside himself with anger' during a debate with political opponents who accused him of

ceremony to any of his close associates, including the hereditary prince Isfandiyār. When Rachinskii suggested that the khan should cancel his daily reception of petitioners, the latter replied that, 'it was not within his power,' see *Donesenie vracha Rachinskogo*, 29.05.1910, TsGARUz, f. I-2, op. 1, d. 291, ll. 28–28ob.

152 Tarroh-Khodim, *Khorazm shoir va navozandalari*, p. 30.

153 Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fols. 8a–8b, 17b, 80b, 83b.

154 One such circumstance, for example, occurred in spring 1916, when Isfandiyār Khān travelled, with all of his officials, to Tashhawz for a meeting with Lieutenant General A.S. Galkin, governor general of the Syr-Darya Province, after the latter had suppressed a large Turkmen uprising. At that time, the Khivan *qāzī* Dāmullā Khudāy Birgān Akhund remained in Khiva in order to hear the claims of the public; *ibid.*, fol. 64a.

attempting to usurp power in contradiction of the agreed legislative initiatives. In his rage, the khan exclaimed: 'I have already given over all of my administrative powers and authority (*hukūmatning ikhtiyārī*) to the parliament. The only powers that I have retained is the daily examination of petitions from the population (*arż*).'¹⁵⁵ Thus, the *arż*, in this narrative of Pahlavān Niyāz Ḥājji Yusupov, even in the perception of the political players in Khorezm, appears as an exceptional prerogative enjoyed by the khan, and the essential attribute of his authority, without which it was impossible for him to be presented or perceived as a sovereign.

There are plenty of examples in the Muslim tradition of the image of a just ruler, who was able and ready to take an interest in and resolve the problems of his subjects, and act as the source of justice. However, in Khiva this was far more than mere symbolism: it was an important mechanism of administration. This prerogative and duty of the khan to 'dispense justice', which was so important even in ordinary times, took on an exceptional importance in the context of the turbulence experienced by Khorezm during the second decade of the twentieth century.

Indeed, at the end of 1915, the elites of various Khivan provinces,¹⁵⁶ supported by authoritative religious leaders called *ishāns*,¹⁵⁷ initiated an uprising against the central power, leading to the overthrow of Isfandiyyār Khān and his closest associates. While accusing the authorities of various abuses, the leaders of the revolt also articulated the idea that the khan was unable to ensure the normal functioning of the mechanism of conflict resolution between his subjects. As one of the leaders of the revolt, a certain Muḥammad Amīn Dargha, put it, 'the population of the region of Manghit ... are especially unhappy that the Turkmen headmen: Junayd Khān, Khān Īshān and Khwājām Khān ... even settle the [internal] affairs of the Uzbeks, when the latter appeal to them.' In this situation, according to Dargha, 'the population undoubtedly feels the burden of the overlapping systems of authority.'¹⁵⁸ The inability of the central agencies to respond promptly and authoritatively to such petitions from their

¹⁵⁵ Pahlavān Niyāz Ḥājji, [*Khāṭiralar*]. MS Khiva, Private Collection of Anvar Otaboev, fol. 108.

¹⁵⁶ The inhabitants of the Khivan provinces of Khoja-eli, Qiyat, Gurlen and Manghit took part in the uprisings; see Niiazmetov, *Poisk konsensusa. Rossiisko-khivinskie geopoliticheskie otnosheniia v XVI–nachale XX v.*, pp. 424–426.

¹⁵⁷ According to the Russian colonial authorities, 'all the most prominent *ishāns* of the khanate,' took part in the uprisings, 'wishing to make an 'admonition' to the Khan, about his failure to live and act according to the *sharʿa*' [Kolosovskii] *Raport Turkestanскому General-Gubernatoru*. 21.01.1916, TsGARUz, f. I-2, op. 2, d. 546, l. 45.

¹⁵⁸ [Magomed Amin Dargha Irnazarov], *Pokazaniia*. 20.01.1916, TsGARUz, f. I-2, op. 2, d. 546, l. 63.

subjects was leading to constant breaches of social harmony. The citizens were therefore forced to seek new sources of power to whom they could turn for the settlement of their disputes.¹⁵⁹ For example, due to the weakened authority of Isfandiyār Khān and his successor Sayyid ‘Abdullāh Khān during the years 1918–1919, the inhabitants of the regions of Khorezm were often obliged to take their grievances to the Turkmen leader Junayd Khān. Even so, our documents show that Junayd still found it worthwhile to follow the existing protocol, sending over the petitioners themselves, as well as the decisions on specific petitions for review and/or confirmation by the khan’s court in Khiva.¹⁶⁰

To ensure the hearing of grievances even in times of political turbulence represented for Khivan rulers a powerful instrument of governance. Following the death of the Khivan khan Muḥammad Amīn in 1855, for example, Sayyid ‘Abdullāh Khān was raised to the throne. The proclamation of the new khan did not follow the established dynastic tradition, which caused discontent and even open resistance from among influential court circles. In these circumstances, the Khivan chronicler Bayānī narrates, one of the first actions of the newly appointed khan was to announce to the population that, ‘whenever there are petitioners (*dādkhwāh*) [...] our gates will always be open’ to them, ‘so that they can inform [us] at any moment of their misfortunes.’¹⁶¹ Sayyid ‘Abdullāh Khān evidently aimed by this initiative (a) to send a message to the different groups of the population about his ability to carry out the key functions of a sovereign, and (b) to use his accessibility and openness to the needs of his subjects as a resource, allowing him to enlist the support and recognition of the population. This resource could then act as a counter-weight to the influence of his political opponents.

The accessibility of the khan was perhaps significantly more obvious than in other Central Asian Muslim polities of that time. But was the proximity of the Qonghrat subjects to the authorities in Khiva simply an illusion? It does not appear so. The Russian Turkologist Alexander Samoilovich, on a mission to Central Asia in 1906 and 1907, noted that ‘the Khivan khan administers his people directly: every day he holds trials and dispenses justice, and every Khivan [subject] can attend his audience, unlike the Bukharan emir, who keeps himself far removed from his subjects behind a wall of officials and

159 As the governor of the Khiva province of Khoja-eli noted, a situation emerged where, ‘it was as if there are several khans and nobody knows which one to submit to,’ [Avez Khodja Murtaza Khodjaev], *Pokazaniia*. 20.01.1916, TsGARUz, f. 1-2, d. 546, l. 62.

160 E.g., see Doc. 45.

161 *Shavqat yūzīdīn amr ūdī dādkhwāhlār har qāchān kīlsalār ishikīmīz yūzlārīga āchūq būsūn hamma vaqtda kilīb ‘arzlārīn aytābīrsūnlār*, Muḥammad Yūsuf Bayānī, *Shajara-yi Khwārazmshāhī*, MS Tashkent, IVANRUz, inv. no. 9596, fol. 356b.

paperwork.¹⁶² His contemporary A. Kalmykov, an official serving the Russian Ministry of Foreign Affairs, similarly stated in 1910, that ‘the Khanate of Khiva has maintained its patriarchal way of life to a greater degree than Bukhara. Every day the khan receives any subjects who have requests or grievances to bring to him, and he holds a firmer control over the activity of his officials.’¹⁶³

A similar image of the accessible khan eager to listen to small stories of private misfortunes, is colorful illustrated by the case of the Russian merchant Ambrosimov, who in the 1840s managed to submit a personal appeal to the Khivan ruler Muḥammad Amīn Khān (r. 1845–1855). The description is remarkable since it records one of the few instances where an ethnic Russian not only successfully visited Khiva on his own initiative,¹⁶⁴ but also managed to gain permission from the khan to carry out trade in the Khivan bazaar. His account provides some fascinating evidence about the internal life of the Khanate of Khiva and, particularly importantly for our purposes, some specific details concerning the process of the *‘arż* at the court of the Qonghrat rulers.¹⁶⁵

When Ambrosimov arrived in Khiva, he received permission to enter the bazaar. At the same time, on the personal orders of the khan, he had all of his Russian coins taken from him, in return for which the Khivan authorities were supposed to pay him in units of local currency to the corresponding amount.¹⁶⁶ When, after a certain time, however, Ambrosimov had still not received the

162 A.N. Samoilovich, *Opisanie rukopisei knig, khraniashchikhsia v Khivinskikh pridvornykh knigokhranilishchakh i knigo-pechatniakh*, MS St Petersburg, RNB, f. 671, op. 1, d. 145, l. 1.

163 [A.D. Kalmykov] *Sostoianie Khivinskogo khanstva i zhelatel’nye reformy*, TsGARUZ, f. I-2, op. 1, d. 291, l. 101.

164 The Khivan authorities were exceptionally suspicious of any foreigners. Even official Russian delegations were treated by the Khivan authorities with a high level of suspicion, and were strictly limited in their movements and contacts. For private individuals, especially ethnic Russians, the opportunities for visiting the khanate were extremely limited due to the opposition of the Khivan authorities. The interests of the few Russian merchants who traded with Khiva, were represented largely by Tatar and/or Armenian commercial agents, see Murav’ev, *Puteshestvie v Turkmeniiu i Khivu v 1819 i 1820 godakh*, pt. 2, p. 52; Turpaev, *Dnevnik perevodchika armianina Turpaeva*, p. 276; N. Mikhailov, “Rasskaz trgovtisa Ambrosimova o poezdke ego v Khivu,” in *Materialy dlia statistiki Turkestarskogo kraia. Vol. 2* (St. Petersburg: Tipografia K.V. Trubnikova, 1873), pp. 23–24.

165 In fairness, the Russian merchant does not use this terminology. However, his description, and the sequence of events regarding the response to his petition, indicate that his description is one of the first witnesses to the *‘arż* at the court of the Qonghrat rulers of Khorezm.

166 The Khivan authorities took these steps due to the severe shortage of precious metals in the khanate. Indeed, foreign coins were taken from both local and foreign merchants and re-struck into Khivan coins, see Murav’ev, *Puteshestvie v Turkmeniiu i Khivu v 1819 i 1820 godakh*, pt. 2, pp. 42, 52; “Opisanie Khivinskogo khanstva, sostavlennoe v 1842 g. podpolkovnikom G.I. Danilevskim,” p. 139. L. Meier, “Kirgizskaia step’ Orenburgskogo

promised money, he decided to remind the khan of his debt. Let us now turn to the pretext that Ambrosimov used to gain access to the monarch of Khiva:

Four days later [after my arrival in Khiva], I decided to go to the khan myself. When I entered a wing [of the palace], one of the courtiers asked me the reason why I had come. I said that I had a request for the khan, but did not specify ... When I entered the hall ... [the khan] asked me why I had come, and whether I had a request for him. I did not explain to him directly that I had come for the money, but first spoke of a claim I had against one of my Kyrgyz [=Qazaq] debtors, who did not want to pay me his debt of 36 sheep.¹⁶⁷

From the description it is clear that Ambrosimov knew perfectly well that one of the few opportunities for ordinary residents, including himself, to address the khan directly was the submission of petitions at the time of the *'arż*. Therefore, as a pretext to meet with the Khivan ruler, Ambrosimov referred not to his most actually pressing purpose, but rather to his debt dispute with a certain Qazaq merchant. It was this that he told the gatekeeper at the palace, providing him with the basis for his admission to the khan's presence. Naturally, this raises the question of how a Russian merchant, who had only just arrived in Khiva, knew about such a practice. It seems very likely that Ambrosimov received this information at the Khivan bazaar where he traded, and where, as he himself said, 'he made a fairly large range of acquaintances' and 'was friendly to everyone.'¹⁶⁸ Thus, the image of the khan whom his subjects could approach with their petitions was widely known and, in a way, a routine affair, sufficiently well known to every Khivan subject that even a Russian merchant, who had only just arrived in the city, could quickly learn about it.

Meanwhile, the narrative is no less remarkable for the way it enables us to reconstruct some of the procedural aspects of the process by which the khan heard petitions from his subjects:

In response [to my grievance], the khan said, 'If your debtor refuses to pay, how can you prove [that what you say is true] ...?' I replied that all my workers know that he [the debtor] took the merchandise, and the headman who arrived with me also knows that. The khan first ordered for

vedomostva," in *Materialy dlia geografii i statistiki Rossii, sobrannye ofitserami General'nogo shtaba* (St Petersburg: Tipografii E. Veimara i F. Persona, 1865), pp. 209, 214.

167 Mikhailov, *Rasskaz torgovtsa Ambrosimova o poezdke ego v Khivu*, p. 365.

168 Ibid., 19.

the headman to be sent for and asked him, whether the Kyrgyz [=Qazaq] was really in debt to me. The sultan confirmed this ... [Only after this] the khan ordered for my debtor to be sent for. When the [accused] Kyrgyz was brought by one sultan, I did not recognize him, [as] he was so frightened by the look that the khan gave him and the fierceness of his question, 'Are you in his debt?' The Kyrgyz answered in the affirmative ... Perhaps he would have denied it, if he had not noticed the mullah there, and so probably thought that he would have to testify on oath ...¹⁶⁹

Given that the version of Ambrosimov's narrative that has come down to us was set down in writing not by himself but by the traveler Mikhailov, one may be led to question the accuracy of such information. Nonetheless, the description of the hearing of a claim at the court of the Khivan khan, as presented by Ambrosimov, largely corresponds to the procedures and protocols of the system of *'arż-dād* that we find reported in later sources, as we shall see below. As is also clear from the narrative, the khan responded to the petition of Ambrosimov by clarifying the evidential basis of the latter's claim. Only once he had done so did he order for the defendant to be brought to him. The description of the interrogation of the Qazaq defendant explains the presence during this procedure of a certain mullah (presumably a *qāẓī*), who was ready if necessary – which is to say, if the defendant denied the claim – to make the latter testify on oath. This is another important feature of the procedure, which appears on several occasions in our documents, and which we will describe in more detail below. Finally, a third aspect revealed by Ambrosimov's description is the idea of communal responsibility: if the defendant fails to pay, it is incumbent upon his relatives or other members of his community to fulfil his obligations to the creditor.

At the conclusion of this hearing at the khan's court, the creditor received what he had requested. Then, once the claim had already been resolved, Ambrosimov took the opportunity to raise with the khan the question of the return of his money, thereby finally contriving to address the real reason of his visit to the khan.

Hence, the involvement of the royal court in the hearing of grievances, and the khan's direct or delegated involvement in settling conflicts between his subjects, had both practical and symbolic significance. The latter manifested itself in the ritualization of the ceremony, which reflected the khan's willingness to delve into the concerns and needs of his subjects and to administer

169 Mikhailov, *Rasskaz torgovtsa Ambrosimova o poezdke ego v Khivu*, pp. 365–366.

justice. For subjects throughout the khanate, this procedure was a unique opportunity to meet their ruler, convey their grievances to him personally, and receive assistance in the resolution of their disputes.¹⁷⁰ It is no accident that Lykoshin characterizes the procedure as 'a ceremony of singular service to the people, which gave the khan the reputation of being available to each of his subjects, personally listening to their grievances and restoring justice through his orders and decisions.'¹⁷¹

The motivations that prompted the populace to file their claims with the royal court varied considerably. They usually reflected the widely shared perception that agencies in Khiva were more powerful than provincial officeholders, such as a *qāẓī*, and that the royal court's sanctioning of a ruling would ensure its execution. This state of affairs manifested itself well beyond the borders of the khanate. Qonghrat officials, for example, solved conflicts among the Qazaqs living in the Ust Yurt plateau and on the banks of the Uil River, who were formally Russian imperial subjects.¹⁷²

Qonghrat officials arguably devoted so much attention to the mundane affairs of their subjects because the *'arż-dād* offered the central government the opportunity to monitor local affairs in a regular fashion and thus to make timely adjustments in response to changing social circumstances. Justice mattered to Qonghrat officials because it provided the state with knowledge about the society over which it ruled. Equally, the Khivan legal system allowed subjects to speak and be heard. Justice was contingent on participation.

Therefore, we know that at least for the duration of the Qonghrat period there was a ritualised ceremony at the court of the rulers of Khiva called the *'arż* or *'arż-dād*. We also know that it had real significance both for the ruling elite and for the population at large. However, what do we know about its procedures, if we exclude passing references by local Khivan authors and accounts by occasional travelers? Which individuals were involved in the proceedings of dispute settlements? How did the process work, what was the protocol, and which agencies were involved? The following sections will allow us to answer these, and other questions.

170 'During the *ars* (<*'arż*) not only [big] cases are decided, but [also] small family and domestic quarrels are being settled: a neighbour [can] drag [his] neighbour to court because of a few pennies, the neighbour of the neighbour because of a stolen chicken. No one is denied [a hearing], A. Vamberi, *Ocherki Srednei Azii (dopolnenie k "Puteshestviu po Srednei Azii")* (Moscow: Tipografiia A.I. Mamontova, 1868), p. 86.

171 N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, ll. 15–15 ob.

172 Terent'ev, *Istoriia zavoevaniia Srednei Azii s kartami i planami*, I, p. 179.

5 On Protocol

One of the few descriptions of the procedure of the *'arz-dād*, and perhaps the most detailed, belongs to the pen of Lykoshin, an official serving the Russian colonial administration in Turkestan. In late May 1912, just after his appointment as Head of the Amu-Darya Department, Lykoshin made his first journey for purposes of intelligence gathering to the lands within the Khanate of Khiva on the left bank of the Amu Darya. On arrival in Khiva, Lykoshin was received by senior khanal officials and was lodged in one of the rooms of the diplomatic suite, within the residence of Isfandiyār Khān. By a fortunate coincidence, one of the windows from this suite looked into the inner court of the khan's palace, where he used to take petitions from the population at this time.¹⁷³ This auspicious circumstance allowed the Russian officer to observe the entire ceremony of the *'arz-dād*, which he then described in the following account:¹⁷⁴

About six o'clock in the evening, the usually deserted courtyard, decorated with tall columns in the Moorish style, suddenly perked up ... Sometime later, the harem door opened, whence Isfandiyār Khān Bahādir proceeded to the place where he sits to mete out judgment and punishment. Not far from the only entrance into the courtyard there is a small stone platform, covered with a large felt mat. The khan sits on the dais in Asian style (*po-aziatski*), and before him they lay out an ancient gun in its case and a small hatchet, also old: these are the insignia of power. The khan wears an expensive gold-trimmed sabre of the Asian type, and on his head, in place of the usual fur hat, he has an equally large hat of lamb fur, but with a red top; this hat is the equivalent of a crown. By the khan's hand they place a kettle of green tea and a cup. Even before the khan's entrance, a *maḥram* ['khan's close associates'] takes up a position not far from the khan's dais and stands perfectly still, with his head bare. From time to time, these *maḥrams* are silently replaced by others newly entered into the courtyard. The old man Yūsuf Yasāvulbāshī begins the ceremony ... The time for parsing the people's grievances has come ... The khan's subjects complain to him about each other and ask for the

173 According to 'Abdullāh Bāltāev, the diplomatic suite was located to the east of the *'arz-khāna*, and was constructed in 1874, in the 'European style' for Russian officials visiting the khanate, 'Abdullāh Bāltāev, *Khīva īsdalīklārī*, MS Tashkent, IVANRUz, inv. no. 11645, fols. 39a, 69b.

174 N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, ll. 15–16 ob.

restoration of rights violated by others of his subjects. The petitioner, having entered through the door, stops at the entrance, quite far from the khan, so his grievance is pronounced in a very loud patter, the supplicant almost yelling, as if he hopes to prove the severity of his grievances and to penetrate the soul of the khan with his cries. The khan, having allowed the supplicant to finish his brief grievance, says only one word, turning to the *yasāvulbāshī*. This is probably an order to sort out the case. The petitioner exits, another enters.¹⁷⁵

For all its virtues, this description obviously comes with a heavy dose of orientalist colour. Lykoshin was not simply a colonial official but also a prolific author and he could not resist the temptation to exercise a little literary flair here. He did not simply want to give a dry account of the procedural aspects, but tried to convey the atmosphere and spirit of the ceremony, and even its emotional context. His attention was caught by the ‘tall columns in the Moorish style,’ that adorned the room of the ‘*arż-khāna*, the very way that the ruler moved, ‘not walking, but rather following,’ the details of the latter’s dress, the variety of the ‘insignia of his power,’ and emotions of the petitioners.

Nevertheless, Lykoshin’s narrative, especially on points of procedural detail, is largely confirmed by the account of Bābājān Safarov, who was a contemporary of Isfandiyyār Khān, although writing in the Soviet period. The differences between the descriptions of the ‘*arż-dād*’ in the writings of Lykoshin and Safarov are largely generic. After all, they were catering to different audiences: Safarov cobbled together an historical survey about the khanate, commissioned by Muhammadjon Yūldoshev, a famous Uzbek Soviet academic working on the Khanate of Khiva, which was full of clichés about the despotic nature of Qonghrat rule. Lykoshin, instead, wrote under Tsarist rule and gathered intelligence for colonial agencies in Tashkent. While Lykoshin’s description creates an atmosphere of wonderment summoned by the otherness of Khivan courtly culture, Safarov’s detailed descriptions about ‘executioners (*jallād*) standing with bared sabers,’ ‘guardsmen (*ishik-āghā*), armed with axes,’ or the foreman (*dahabāshī*)¹⁷⁶ accompanying the petitioner with a sabre ‘at the ready,’ conjure

¹⁷⁵ Ibid.

¹⁷⁶ *Dahabāshī* (‘commander of the tenth’). According to Safarov, there were ten *dahabāshīs* at the royal palace in Khiva, each of them with ten *yasāvuls* under his command. During the hearing of people’s grievances at court, the *dahabāshī* was responsible for escorting the supplicant to the audience-hall before the khan, see Bābājān Safarov, *Khawārazm ta’rikhī* (1864–1934), MS Tashkent, IVANRUZ, inv. no. 1023, fol. 15b.

up images of the purported brutality of Khivan rulers.¹⁷⁷ But let us look more closely at Safarov's description:

To receive petitions from the public (*fuqarālārnīng* 'arzdādlārī'), the khan dispenses justice (*'arż-dād qīlādī*) on a daily basis, sitting on his throne for one hour. Beside him sit the *qushbigī*, the *mihtar*, the *naqīb*, the *ātālik*, and the *shaykh al-Islām*.¹⁷⁸ The *mīrshab*,¹⁷⁹ together with ten other people – the *yūzbāshī*¹⁸⁰ and the *jallāds* – stand beside the khan

177 It should be noted that this same feeling of fear and timidity experienced by a subject when taking a complaint to the Khivan sovereign was also mentioned by the merchant Ambrosimov, discussed above. According to him, 'I had never felt [such fear] before the Russian authorities.' The face of Ambrosimov's respondent, a Qazaq merchant, was so disfigured by fear, that the Russian merchant hardly recognised him, see Mikhailov, *Rasskaz trgovtsa Ambrosimova o poezdke ego v Khivu*, p. 365.

178 Yuri Bregel noted that under the rule of the Qonghrats the *shaykh al-Islām* was prominent in name only, while the nature of his functions remains absolutely unclear. See Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 560.

179 *Mīrshab* is a term widely employed in records from 19th-century Central Asia to denote individuals fulfilling policing duties in urban settlements under the rule of the three Muslim principalities. It is important to clarify that much of the literature available on the administration of the Khanate of Khiva suggests that the *mīrshab* was on duty exclusively at night, see Urunbaev, A. et al. (eds.), *Katalog khivinskikh kaziiskikh dokumentov XIX–nachala XX vv.* (Tashkent, Kyoto: Izdatel'stvo Mezhdunarodnogo instituta po izucheniiu iazykov i mira Kiotskogo universiteta po izucheniiu zarubezhnykh stran, 2001), p. 658. There is no clear evidence which could be used in support of this argument. It should be also noted that according to Yuri Bregel, the post of *mīrshab* did not exist in the Khanate of Khiva, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 624, note 736, while Yūldoshev notes, instead, that *mīrshab* were on duties everywhere in Khorezm in every city and village (*shahar va daha mīrshablari būlgan*), see his *Khiva khonligida feodal yer egaligi va davlat tuzilishi*, p. 280. Bābājān Safarov adds that the *mīrshab* represented also an office at the royal court, i.e., a man who was at the head of the guards in the citadel of Khiva and who was also responsible for policing duties in other cities (*khān pāytakhtīni va shaharnī sāqlāvchī pāshshāflārnīng hamda jallādlārnīng bāshlūghī*), see his *Khwārazm ta'rikhī* (1864–1934), MS Tashkent, IVANRUz, inv. no. 10231, fol. 15a.

180 *Yūzbāshī* (lit. 'commandant of one hundred'; 'centurion') was a term used to denote a middle-rank office-holder in the military hierarchy of the Khanate of Khiva. In local sources, the term is applied to commandants (*sarkār*) of units of the Khivan arm, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 209. Munis also refers to an episode when Muḥammad Raḥīm Khān I in 1809 conferred grants on a certain Badal for his heroism while at the head of a unit of 100 *nawkars*, see *ibid.*, 295. According to diplomas, the *yasāvulbāshī* appointed 'attendants' (*yasāvul*) to settle disputes among a pool of liegemen (*nawkar*) who usually were at the service of *yūzbāshīs* in Khiva. It seems there were ten such *yūzbāshīs* operating at the royal court, see Bābājān Safarov, *Khwārazm ta'rikhī* (1864–1934), MS Tashkent, IVANRUz, inv. no. 10231, fol. 15. At the same time, Khivan authors more often than not failed to distinguish between civil and

with sabres bared. Two *ishik-āghās*, armed with axes and knives, stand on either side of the gate, guarding the entrance to the reception room (*‘arż-khāna*). Summoning the [next] petitioner (*‘arżchī*), the foremen (*dahabāshī*) with unsheathed sabres, lead him into the reception room, where the *yasāvulbāshī* stands between the khan and the petitioner, who stops thirty metres from the khan’s throne. [The *yasāvulbāshī*] conveys the petitioner’s greeting and his petition to the khan and transmits the khan’s questions and decision to the petitioner. So it occurs and has become the custom (*‘urf-ādat*), that the khan should not communicate directly (*ūz tūghrisīdān*) with his subjects (*fuqarālār*).¹⁸¹

These passages from Lykoshin and Safarov offer a glimpse of early twentieth-century practices and, specifically, recount the ceremony as it was during the reign of Isfandiyyār Khān (r. 1910–18). Emphasizing the ancient origin of the ceremony that, in his words, ‘reeks of the past,’ Lykoshin evidently assumed that what he saw reflected a long-standing legal practice taking place at the royal court. Similarly, Safarov’s characterization of the ceremony as ‘custom’ (*‘urf-ādat*) attests indirectly to the perceived antiquity of this practice.

Lykoshin and Safarov illuminate two key elements of the *‘arż-dād* that point to the peculiarity of the practice. The first element, which is procedural, concerns the manner in which petitioners appealed to the ruler. Claimants always petitioned the khan orally and directly. Similarly, the ruler’s response to a particular petition was delivered orally, through the medium of the *yasāvulbāshī*. It is tempting to see in the oral dimension of such petitions a manifestation of

military offices and therefore the term *yūzbāshī* could be also used to denote administrative functions. For example, Lykoshin refers to a certain Mamat Yūzbāshī who served in the capacity of governor of Gazavat in 1912 (*Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64 ob.) and to another *yūzbāshī* who was at the head of Aq-Tepe and operated in the function of adjunct of the governor of Hilali (N.S. Lykoshin, *Zapiska Nachal’nika Amu-Dar’inskogo Otdela Polkovnika Lykoshina o sovremennom sostoiianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 45 ob.). On the *yūzbāshī* being the second most important officeholder at the provincial level after the governor (*hākim*) and working at the latter’s instructions, see also S. Navruzov, “Puteshestvenniki i uchenye ob administrativnom ustroistve Khivinskogo khanstva XIX – nachala XX veka,” *Obshchestvennye nauki v Uzbekistane* (1991/10), p. 47. On account of the information available in this report we can safely assume that Bahādir Maḥram Yūzbāshī was the governor of Tashhawz.

181 Bābājān Safarov, *Khwārazm ta’rikhī* (1864–1934), MS Tashkent, IVANRUz, inv. no. 10231, fols. 18b–19b.

earlier juridical practices, when the khan heard public grievances; and such practices are attested during the rule of Muḥammad Raḥīm Khān I.¹⁸²

The second key element of the *‘arż-dād* is the centrality of the *yasāvulbāshī*. This element is clearly institutional, for his function was not limited to attending the ceremony or to serving as an intermediary between the khan and the petitioner. The *yasāvulbāshī* and the special office under him (*yasāvulbāshī khizmatī*) would be responsible for initiating and overseeing all subsequent investigations into petitions and their resolution, as well as for handling and archiving the resultant documentation.

Even so, for all the remarkable detail of the two descriptions, they are both quite static. They describe the procedure and the practice of the ceremony, and actions limited specifically to the room in which the reception of grievances occurred. These writings offer very limited space for the reconstruction of the legal and administrative practices, which preceded, and, especially importantly, followed the appeal of the petitioner to the khan. In this respect Lykoshin's description could well lead a potential reader astray. Let us take, for example, the following conclusion drawn by Lykoshin, regarding the procedural aspects of the *‘arż-dād*:

It is hard to say to what degree matters of grievance brought to the khan are investigated ... However, informed people have said that ... it is not rare for even the most basic pieces of evidence to be lost in this simplified oral dispensation of justice ... [It can happen that] a grievance is taken to the khan for a second time, [in that case] the khan wishes to know the current state of the matter. Then the first person, to whom the matter has been entrusted, the *yasāvulbāshī*, summons the petitioner himself, and asks him, ‘What did I tell you, when you came last time with your grievance?’ The petitioner ... says to whom he was sent the first time. They summon the official ... and then there is nothing to be done, but to ask the petitioner [about the preceding course of investigation of the petition].¹⁸³

It is unclear who is meant by the ‘informed people,’ to whose ‘authoritative’ opinion Lykoshin so readily appeals for his characterization of the hearings. However, the excerpt makes it very clear that we must confront the following questions: to what degree was the procedure of hearing petitions from subjects ‘a simplified oral dispensation of justice,’ as Lykoshin characterizes

182 Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 423, 457.

183 N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, ll. 16–16ob.

it? Did it really have an exclusively *oral* character, and did it really leave no documentary traces outside the walls of the *ʿarż-khāna*? What, in general, do we know about the further procedure, in particular from the time when, as Safarov and Lykoshin tell us, the *yasāvulbāshī* was entrusted by the khan with investigation of the matter? How was the process of following up a given episode carried out? Which agencies, whether in the capital or in the regions – at the level of the provincial governor or in local communities – could be brought into the process of hearing an appeal from a subject? Which mechanisms and practices were used to bring different sides of a conflict to a compromise? We will now turn directly to the documents of our collection, which help us to answer these questions, and to reveal the truly dynamic and complex world of relations of power, social connections, and legal processes within the Khanate of Khiva.

6 Documents

6.1 *Fataks*

The *yasāvulbāshī* had a chancery referred to in the documents as the *khizmat*. The latter was housed in its own premises at the ruler's palace, and included scribes (*dīvān*), as well as a staff of *yasāvuls* – officials, mostly guards, with specific commissions.¹⁸⁴ The Khivan author Bābājān Tarrāh, who had himself served at the khan's court, reported that the *yasāvulbāshī* would follow an established procedure (*tartīb*), by asking the appellant about the contents of the petition and, depending on its nature, would then define the further course of its investigation. If necessary, the petition could be sent for a further hearing to the rulers of the cities (*qal'a ḥākimlārigha*), in accordance with a written order from the royal court (*būyrūq*).¹⁸⁵ Similarly to Tarrāh, Bābājān Safarov also reports that in response to an appeal from subjects to their khan, a rescript (*fatak*) was written, affixed with the seal of 'one of the [two] *yasāvulbāshīs*,

184 A whole range of authors refer to the existence of such chanceries operating under the direction of khalal representatives. For example, Nikolai Murav'ev, who visited the khanate in 1820–21, reported that Khivan high-rank officials, 'each have their own scribe or Mirzā, each with several officials under them, called the *dīvānbīgi* ... whom they use for various tasks,' Murav'ev, *Puteshestvie v Turkmeniiu i Khivu v 1819 i 1820 godakh*, pt. 2, pp. 33–34; see also A. Vamberi, *Puteshchestvie po Srednei Azii* (Moscow: Vostochnaia literatura, 2003), pp. 97–98.

185 Tarroh-Khodim, *Khorazm shoir va navozandalari*, p. 30.

who were in the khan's presence on that day.¹⁸⁶ It is now to this type of record that we will turn.

Conventionally addressed to the disputing parties, *fataks* stipulated the appointment of a special attendant who, acting as a plenipotentiary court representative, escorted the plaintiff back to the locale where the wrong had occurred, initiated the investigation with the help of local Qonghrat officials (governors, jurists, and notables), and facilitated the resolution of the conflict. The results of the investigation, together with the stipulations of the settlement, were then brought to the *yasāvulbāshī* office and recorded, in brief, on the reverse of the *fatak*. All these records were deposited at the office of the *yasāvulbāshī*, for use as evidence in the event of some future reopening of the case. The outcome of dispute settlements was duly recorded also in special registries (*daftars*), containing the names of claimants (*dādkhwāhchilār*) and attendants, and some basic information about the claim, as well as a summary of the resolution of the conflict.¹⁸⁷ The following example illustrates how the *yasāvulbāshī* appointed a guard as attendant (*yasāvul*) and instructed him to settle the case by means of a *fatak*.

[*Recto*]

Muḥammad Murād, from the locality of Vazir [in the province of] Gurlen, had purchased a plot of land [sized] 1,75 *ṭanāb* together with its appurtenances (*va ḥaqqīsī bīla*) from a certain 'Allām Birgān Chakka, who is [also] from Vazir, for 700 *ṭillā*. [The transaction] was notarised (*khatlāshīb*). He also bought [from the same individual] millet [to harvest from that plot] for [an additional] 50 *ṭillā*. Now [the seller] neither passed the land [to the purchaser], nor gave him the millet. For this reason (*vajh*), [the latter] filed a claim (*da'vā*) [to the royal court] against 'Allām Birgān Chakka and his son, Īr Muḥammad. Let [the parties] come to royal court (*dargāh-i 'ālī*) together with Qurbān Niyāz Yasāvul, who is the liegeman (*nawkar*) of Shukur 'Alī Īshik Āqā, and solve [the dispute] (*ṣāflāshsūnlār*). The attendant's fee (*yasāvul ḥaqqī*) should not exceed two *ṭanga* per parasang.¹⁸⁸

186 Bābājān Safarov, *Khawārazm ta'rikhī* (1864–1934), MS Tashkent, IVANRUZ, inv. no. 10231, fols. 21b–22b, fol. 21b.

187 See, e.g., TsGARUZ, f. I-125, op.2, d. 100. The register's header reads, 'Register of *yasauls* assigned to petitioners' complaints in the month of Muharram 1333 AH [November 1914].'

188 *Farsakh* (or *farsang*) is a measure of length in Iran and Central Asia, which is usually considered equal to 6 km. However, its length could in fact vary according to regions and depending on road conditions (like the 'heavy' and 'light' *farsakh* in Iran). In Central Asia in the 19th century *farsakh* was usually between 9 and 10 km, see E.A. Davidovich, *Materialy po metrologii srednevekovoi Srednei Azii*, Appended to V. Khints [Walter Hinz],

Conveying the royal order (*amr-i ʿālilārī*) of our lord, may his rule last forever, the warrant (*khaṭ*) was written on 25 Rajab 1336.¹⁸⁹

Let us try to reconstruct the actions presented in this rescript and the course of events. A certain Muḥammad Murād, an inhabitant of the small town of Vazir (around 50 km north-west of Khiva)¹⁹⁰ situated in the province of Gurlen, bought a plot of land from a fellow villager, as well as a part of the harvest of millet grown on the plot. Despite the fact that a *qāzī* had notarised the deal, the seller was nevertheless refusing, or most probably taking his time, to transfer property he had sold to its new owner. Muḥammad Murād had evidently not found other arguments or instruments to resolve the problem, and so had been forced to set off for Khiva to file his grievance at the khan's palace. In response to his claim, the royal court crafted a rescript (*fatak*), stamped with the seal of the *yasāvulbāshī*. This document was formulaic in its structure: it included a short description of the contents of the claim, and an identification of the parties to the dispute, and stipulated the figure responsible for its further resolution – the *yasāvul*, appointed from among the members of the palace guards.¹⁹¹ The *yasāvulbāshī* also sanctioned the sending of this person to the place of the altercation, and stipulated the sum due to be payed to the *yasāvul* for his services. The size of the payment was defined by the distance that the latter had to travel to reach the place of the conflict.

We learn about the results of the hearing in the locality thanks to a somewhat terse note subsequently recorded on the back of the same rescript by a scribe in the *yasāvulbāshī*'s chancery:

[Verso]

The claim of the afore-mentioned Muḥammad Murād against Allām Birgān was solved (*yarāshtūrūb*) by community elders (*kadkhudālārī*). This was made known [to the royal court] in the letter by the governor (*ḥākīm*) of the Gurlen province. It was recorded on 2 Shaʿbān 1336.¹⁹²

Musul'manskie mery i vesa s perevodom v metriceskuiu sistemu (Moscow: Izdatel'stvo vostochnoi literatury, 1970), p. 120. See also Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 570, n. 293.

189 TsGARUZ, f. I-125, op. 2, d. 633, l. 151.

190 New (Taza) Vazir was located 7 km north of the town of Gurlen, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 565.

191 In most case, these were the guardsmen of the *yasāvulbāshī* himself.

192 TsGARUZ, f. I-125, op. 2, d. 633, l. 1510b.

This brief notice provides at least evidence that the sending of a *yasāvul* to the site of conflict had an effect. The contents of the instructions indicate that the different sides of the conflict were brought to some kind of agreement. This small fragment also allows us to see different provincial agencies at work while resolving the conflict alongside the representatives of the court. Indeed, this note tells us that reconciliation was made possible by the involvement of the local community leaders. The fact that the information about the resolution of the conflict was reported to the khan's palace by the governor of the province himself perhaps indicates his own involvement in the process. It should be said that similar references to the involvement of community leaders and provincial governors are found in most rescripts of this kind. It is much rarer that the back of the rescripts we find reference to the involvement of official jurists such as a *qāzī* or a *muftī*. Thus, *pace* Lykoshin,¹⁹³ there is evidence to say that the system of conflict resolution centered in the royal court generated its own writing and archival practices.

Another notable feature of such rescripts is the use of various standardised formulae. For example, although this *fatak* specifically instructed the various disputing parties to appear in the khan's palace for the resolution of the conflict,¹⁹⁴ in the vast majority of cases (judging by the contents of such records), once the *yasāvul* had been delegated, the conflicts were actually resolved *in situ*. The details of the agreement were then reported to the office of the *yasāvulbāshī* by one of the parties, the *yasāvul*, or representatives of the local authorities (*hākims*, *qāzīs*). Nonetheless, it would be wrong to suppose that everything we just described was a sequence of empty formulae without any practical consequence. In fact, as we shall see below, such procedure left a space for any side in a dispute (whether the plaintiff or the defendant), if they were unhappy with the course of the hearing in the locality, to bring their dispute once again to the khan's palace in Khiva.

Let us take another example. One Dāmullā Muḥammad Karim Ākhūnd, the administrator (*mutavallī*) of an endowment (*vaqf*) supporting a madrasa, was determined to obtain payment from tenants working on a property belonging to the madrasas, as stipulated in the endowment deed (*vaqf-nāma*). In his attempts to obtain the agreed payment, the *mutavallī* appealed (*sharīʿatlāshūb*) to the local *qāzīs* and received a decision (*ḥukm*) in his favour. However, this turned out to be insufficient to force the other sides to carry out their obligations. In any case, two of the tenants stubbornly persisted in their refusal to

193 See Lykoshin's emphasis on the fact that cases did not produce any written records at p. 49 of this book.

194 *yasāvul bila mūdā darbār-i ʿālīārīgha kīlib ṣāflāshsūnlār.*

make the stipulated payments. Finally, in the last resort, the *mutavallī* set off for Khiva. In response to his appeal to the khan, following the procedure that is by now familiar to us, the *mutavallī* received an official rescript (*fatak*), and an official representing the court was dispatched to the locale in which the dispute first took place.¹⁹⁵ Once again, we can reconstruct the further course of events from a brief note on the back of the document:

... it has been established that from now on, the tenants of the [*yaqf*] property will pay the rent (*ijāra*) in [full] accordance with the [endowment] deed. This acknowledgement was made in the presence of the *yasāvul*.¹⁹⁶

It is notable that neither the endowment deed, nor even the subsequent decision of the *qazīs* were decisive in resolving the dispute between the *mutavallī* and the tenants. It was only the former's appeal to Khiva, and the consequent appointment of a *yasāvul* to the locality that forced the different sides to reach a compromise. Therefore, there can be no doubt that the delegation of a *yasāvul*, together with the writing of rescript, could be crucial to the whole procedure of the receipt and settlement of subjects' petitions.

This raises interesting questions about the *yasāvuls* themselves. Who were they? In the vast majority of cases, the text of court rescripts indicate that the role of *yasāvul* was taken by low-ranking palace guards, from the retinue of the *yasāvulbāshī* himself or other palace officials. It is highly unlikely that such *yasāvuls* had any specific juridical training, unlike, say a *qāzī*, or a *muftī*. Their authority in the provinces was scarcely comparable with that held by provincial governors, *ḥākims*. Of course, it is also hard to imagine that they would have been as involved in the local fabric of society as the leaders and authority figures in the local communities. Nevertheless, it was specifically the presence of the *yasāvul* that forced the opposing sides to reach a settlement. Evidently, it sent a kind of signal, forcing the parties to the conflict to look for a path towards resolution. When the khan's court sent its own representatives to the site of the conflict, its direct or indirect involvement provided an additional impulse for the different local groups (not just the direct participants in the dispute) to reach a compromise. The kind of role played by the *yasāvuls* therefore did not really depend upon their personal qualities and skills: it was more

195 With the seal Muḥammad Ya'qūb Yasāvulbāshī b. Muḥammad Yūsuf Yasāvulbāshī.

196 TsGARUz, f. I-125, op. 2, d. 656, ll. 36–36ob.

a question of the 'aura of power' which surrounded a figure delegated from the royal court to the locality. The *yasāvul* thus sent a signal to the whole community, including both the parties in the dispute and the local authorities: the royal court expected the conflict to be resolved, regardless of the conditions on which an agreement was reached.

Perhaps this also explains the character of the notes on the reverse of the rescripts. The main purpose of this slightly disjointed and sparse information was to demonstrate that the claims of the opposing sides had been satisfied (*ṣāf būlūb*), and that the different sides had reached agreement (*riṣālashūb*) and reconciliation (*yarāshīb*). As a consequence, the relevant agencies in Khiva were less interested in the details of how the conflict was investigated, or even the conditions on which an agreement had been reached, than in the mere fact that an agreement had been reached and the conflict had been resolved.

Thus, the royal rescripts shed light on the proceedings of settling disputes between khal subjects. Specifically, they also show the important role played by the *yasāvulbāshī* and the *yasāvuls*, and give us a general picture of the various provincial agencies that could be called upon in an investigation. At the same time, the standardised and formulaic character of such documents somewhat limits the scope for a more detailed study of the character of the involvement of specific actors, whether that of the *yasāvul* himself, or of the various officials in the locality. In an attempt to follow up these aspects, we will therefore turn to the next group of documents: namely, the reports of provincial authorities (mainly, provincial governors) sent to the office of the *yasāvulbāshī* in Khiva in response to rescripts about subjects' petitions. This group of documents allows us to gain a more detailed picture of what happened in the provinces, after the arrival of the *yasāvul* and/or the receipt of a rescript: how the local agencies were involved and the part that the *hākims* and *qazīs* could play in the process of investigating petitions from citizens. This corpus of documents also enables us to see how different social groups were involved in reaching an agreement.

6.2 Reports

The second group of documents presented in this work are the reports (*'arīza*, *'arīza-nāma*, *'arīza-i ikhlāṣ*, *khaṭ*) sent back to the office of the *yasāvulbāshī* in Khiva from various agencies in the provinces, mostly from the provincial governors to whom the khan's court had entrusted the investigation of claims filed with the royal court. In such reports, the officials informed the central authorities in detail about the proceedings (*ṣurat-i vāqī'a*) of the investigations underway, and the achievement of a reconciliation, or the reasons for failing to reach one. In this work we have included translations and descriptions

of 25 such reports. To illustrate their structure and contents, let us turn to the following record:¹⁹⁷

Let it be known to the office of the *yasāvulbāshī*, the noble vizier (*vazīr al-kirām*), our lord (*āqāmīz*), that when Muḥammad Yūsuf from Tashḥavuz¹⁹⁸ appealed [to the royal court], he stated that he left 1100 *manāt* in custody (*amānat*) to Muḥammad Ya'qūb Bāy from Qonghrat. [When the former] asked [the latter to return the sum, Muḥammad Ya'qūb Bāy] did not give [anything] and denied [the claim]. In the wake of the involvement of the governor (*ḥākim āqā*) and the community elders (*kadkhudās*), [the respondent] returned to the claimant only 550 *manāts*, but he refused to pay the rest. Therefore, you instructed me to clarify whether it is true that Muḥammad Ya'qūb returned only half of the 1100 *manāt* which he was entrusted and, in such a case, to extort the money from him and let the parties reach a satisfactory settlement (*rižālashtürsün*). As I questioned the parties, Muḥammad Yūsuf [argued] that he had given 1100 *manats* to Muḥammad Ya'qūb, who refused to return [the money]. Muḥammad Ya'qūb denied (*munkir*) the claim (*da'vā*) stating that he was never entrusted the money. I thus involved the *qāzī-īshāns*. Meanwhile, the tribal elders (*biylār*) and the representatives of the town dwellers (*qal'a kāsiblārī*)¹⁹⁹ [requested] not to place the parties under oath (*ānt*). [Instead] they made Muḥammad Ya'qūb pay 550 *manāt* to Muḥammad Yūsuf and a certificate of relinquishment (*ibrā'*) was drafted before the *qāzī-īshāns*. This is what we had to report to you. Whatever is your decision, you know best. This report (*'arīza*) was compiled on 4 Rabī' al-ṣānī 1335 [27.01.1917].

Structurally, the sequence of events presented in the contents of this report can be divided into three parts. The first part narrates the actions undertaken

197 Doc. 13.

198 Tashhawz was a fortress circa 65 km north-west of Khiva on the right bank of the Shahabad canal, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 642, n. 972; Danilevskii, *Opisanie Khivinskogo khanstva*, p. 110; Basiner, *Estestvenno-nauchnoe puteshestvie po Kirgizskoi stepi v Khivu*, p. 348; *Ocherk istorii zaseleniia Khivinskogo khantva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khantva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 50–50 ob.

199 In vernacular sources from Khorezm the term *kāsiblār* is used to denote 'city dwellers.' In referring to events taking place in Tashhawz in 1915 Laffasī uses the term *kāsiblār* as a synonym of *qal'a khalqī* ('the people of the city'). See Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUZ, inv. no. 7797, fol. 32a.

by the parties to the conflict, before their petition had been sent to the khan's court in Khiva. Then, the author of the dispatch briefly recounts the contents of the rescript he had received from the khan's court, concerning the settlement of the petition. Finally, in the concluding section, the governor informs the chancery of the *yasāvulbāshī* about the results obtained by following the instructions in the rescript. If we try to reconstruct the course of events as they appear in the report cited here from the governor, then we are presented with the following picture. A certain Muḥammad Yūsuf, an inhabitant of Tashhawz insisted that he had earlier given an inhabitant of Qonghrat, another urban center in the north of the khanate, money for safe-keeping to the value of 1,100 roubles, which the latter had refused to return. In order to resolve the dispute that had arisen, Muḥammad Yūsuf, the creditor, appealed to the local governor, and brought representatives of the communities into the matter. The examination of the dispute by these agencies led the debtor to return half of the sum demanded. The plaintiff, however, did not consider this to be a satisfactory resolution, and decided to file a suit with the royal court in Khiva for the outstanding sum owed by the defendant. In response to Muḥammad Yūsuf's petition, the chancery of the *yasāvulbāshī* gave the following instruction to the same governor: to investigate the matter and, if possible, bring the two sides to a compromise. The governor's report picks up its narrative from here, concerning the course of the investigation he had initiated on the basis of the rescript from the royal palace. Thus the *ḥākim* reports that when the parties were questioned, the defendant, Muḥammad Ya'qūb, refused outright to acknowledge the existence of an outstanding debt. The governor was forced to involve the local jurists, *qāzīs*, in the investigation, to carry out legal procedures, in this case, to make the parties swear an oath. As the author of the report tells us that at this moment, however, tribal leaders and the representatives of the urban population managed to persuade the defendant to avoid to take a cleansing oath, and instead to pay Muḥammad Yūsuf the money owed. When the latter received the whole sum owed to him, there in the court of the *qāzīs*, he notarised his acquittal of any further claims against the defendant. The governor of Tashhawz informed the central agencies of this settlement.

This particular case is instructive for a number of reasons. First of all, it clearly shows that provincial governors had the power to hear claims and resolve conflicts among the local population directly, which is to say, before the khan's court became involved. The authors of a detailed military-statistic survey of the Khanate of Khiva, prepared in the early 1900s, also mention that provincial governors held such powers. According to this source, the *ḥākims* had the right to examine a 'claim,' to resolve all minor disputes 'decisively,' and

also to 'arrest criminals.'²⁰⁰ For these purposes, according to Alexander Kuhn, the governor had under him his own staff of *yasāvuls*, on the model of the royal court.²⁰¹ Various sources indicate that the great majority of conflicts between subjects were settled at the level of the community and provincial authorities, without involving the royal court. In the case we are considering here, Muḥammad Yūsuf also appealed first to the governor of Tashhawz. It was only when the plaintiff did not receive full satisfaction of his grievance (or perhaps, because he believed that the *ḥākim* had not played a sufficiently impartial role in the examination of his case), that he decided to send his petition to Khiva, in order to involve the khan's court in the investigation of his case.

Secondly, judging by this and other similar records presented in Section Two titled 'Reports' of the present work, even once the subject had submitted a petition to Khiva and a written rescript (*fatak*) and/or a *yasāvu*l from the khan's court had been sent in response, it was still the provincial governors who were responsible for the resolving of the conflict *in situ* in the majority of cases. The documents show that the hearing could take place either in the residence of the *ḥākim* with him actually present, or without his direct involvement – for example, at the place where the parties to the dispute lived – through the medium of the *yasāvu*l or the local elders. Either way, the governors were kept informed about the course and content of any investigation initiated by the Khivan authorities. It is noteworthy that in the document which we have just analyzed, the case was sent to Khiva for resolution by the same *ḥākim* to whom the plaintiff had appealed initially, and with whose resolution he had been dissatisfied. Evidently, as we have said before, the instruction from the court (and equally the sending of a *yasāvu*l) gave an additional impulse to the resolution of the dispute, and brought the different sides to a peaceful agreement.

Another notable feature reflected in the document is the nature of the involvement in the case of *qāzīs*, which is to say jurists. As can be seen from this and from a number of other documents presented in the Sections Two and Three of the present work, *qāzīs* were brought in to examine conflicts between citizens at the stage where concrete expert knowledge were required. This happened, for example, when the different sides in a conflict, despite admonishments from representatives of the community and the local authorities, were unable to reach a compromise and continued to stand their ground. In such cases, expert testimonies were required, and these were the prerogatives of the

200 [Girshfel'd and Galkin], *Voenno-statisticheskoe opisanie Khivinskogo oazisa*. Part 2, p. 23.

201 A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 44 ob.

qāzīs. Such procedures could include the witnessing of the notarial documents held by the different parties, the summoning and interrogation of witnesses, or, as we have seen above, making the parties swear an oath. The *qāzīs* and their trustees (*amīn*) also had to be brought in to clarify questions concerning property rights, fixation of precise boundaries of plots of land.

Document No. 16, section Two, is equally revealing for procedural aspects of the examination of citizens' petitions in the provinces. The governor of the town of Gurlen reports to Khiva that some time earlier an elderly woman had appealed to him with a grievance against her son-in-law. She claimed that the son-in-law had assaulted her daughter, Sa'adat Bika, and then fled without trace. Having received this information, the governor had found two trustees (*amīnlār*), one for him, and for the *qāzī* of Gurlen. He wrote to them with instructions to inspect the bruises on the victim's body, with the assistance of the community elders (*īl-kadkhudā*). Meanwhile, the defendant, Yakshī Murāt, had learnt about the actions initiated against him by his wife's relatives, and responded by appealing directly to Khiva. He submitted a counter-claim to the khan's court, accusing his wife's relatives of holding her by force. The khan's palace had responded to this appeal by sending a rescript (*būyrūq-i 'ālī*) to the *hākim*, instructing him to examine the case and to resolve the conflict if possible. During the subsequent hearing of the case in the governor's residence, Yakshī Murāt's representatives demanded that the rest of the case be heard in the khan's palace. The governor was unable to refuse such a demand from one of the parties to the conflict, and so arranged for the girl to be escorted to Khiva (having first entrusted her to the community headman), along with the details about the *amīns'* inspection of the girl's bruises.

The report outlining this case is particularly noteworthy for the way it formulates the instructions from the officials at the khan's court to the governor on how to proceed with the case:

... should [the plaintiff's] appeal be sound, the wife and husband should be reunited, otherwise (*bāshqa sūzī būlsa*) [the conflict] should be heard before the *qāzīs*. [If they refuse to comply], they should be sent [to the royal court for further examination].²⁰²

Thus the palace offers the governor the following possible options for resolution: (i) to reconcile the sides before taking the matter to a court of law; (ii) if the parties refuse to compromise, to use legal expertise, through the involvement of *qāzīs*; and (iii) if one of the parties refuses to be put on oath as witness,

²⁰² Doc. 16.

then in the last resort to send the litigants to Khiva, for hearing by representatives of the khan's court.

As can be seen from the instructions from the court, cited by the *ḥākim* in his dispatch, the involvement of *qāzīs* in the process was quite precisely circumscribed. They would be called upon only if both sides in the conflict agreed to subject themselves to legal procedures in the *qāzī's* court. This is demonstrated not only by the document cited here, but by a whole series of other testimonies. One anonymous contemporary Russian author, when describing the legal system of the khanate, noted that 'examination according to the Qur'ān (i.e. by the *qāzīs*) occurs in relatively few cases, and only when both sets of litigants agree ...'²⁰³ Moreover, as our documents show, even once the case had been passed over for the inspection of the *qāzīs*, the parties to the conflict were in fact still able to refuse to give testimony at any stage, and to insist that the case be transferred to the khan's court in Khiva.

It is also intriguing that even an elderly female petitioner, at the very beginning of the examination of the case of her daughter's beating, preferred to appeal to the local governor, rather than to the *qāzīs*, or the *muftīs*. It was the governor who initiated the investigation of the case, and it was on his instructions that the local *qāzīs* sent their trustee to witness the victim's body. At the same time, it would be wrong to imagine the *ḥākims* were the only figures in the provinces who were able to dispense justice, or that their powers were unlimited. The case in question provides an illustration. As we can see, as soon as he learnt about the investigative activities undertaken against him, the defendant Yakshī Mūrat decided to appeal to Khiva, with a counter-petition to the khan's palace. This was answered with written instructions from the central authorities. Although the instructions were addressed to the same *ḥākim* who had been hearing the case initially, it can reasonably be assumed that the receipt of instructions from the Khivan court somewhat strengthened Yakshī Mūrat's position in the following settlement. This in no way guaranteed him unequivocal success in the settling of his case. But it evidently reduced the likelihood of unfair (biased) actions on the part of the local authorities, or, specifically, of the governor. It is notable that Yakshī Mūrat's side would take advantage of the opportunity to refer the investigation to Khiva again, during the second examination of the case. We can only guess what might have motivated the second request for the examination of the case in Khiva. It is possible that Yakshī Mūrat's side once again felt the *ḥākim* was biased in this case. It is also possible that when he saw that the investigation of his case with the local governor was not going in his favour, Yakshī Mūrat was forced to refer

²⁰³ Anon., "Turkmeniia i Khiva," *Vsemirnyi putesthestvennik* 8 (1870), p. 123.

his case to Khiva, calculating that the different mechanisms of investigation at the court, and, perhaps, his personal contacts in the capital, would ensure a more favourable outcome for him. Whatever their motives, Yakshī Mūrat's side found it preferable to use this option, while the *ḥākim* had no choice but to agree to the demand of the defendant.

Another example of the readiness of the parties to a conflict to refer the investigation of their case to Khiva when necessary is found in the contents of Document No 18. In this text, the governor of the province of Ambar-Manaq reports the results of his investigation into a conflict between members of two communities of water-users (*davr*) in the province. The conflict flared up because the members of one of the communities had not fulfilled their obligations to clean out the irrigation channels. As a result, representatives of the neighbouring community decided to send a grievance to Khiva. In response, a rescript was sent to the local authorities on how to settle the matter. There was then an attempt to reconcile the two sides in the presence of the governor, but this was unsuccessful, so the latter had to call in *qāzīs* to carry out expert procedures. The governor's report gives an interesting description of the events that followed:

The *qāzī-īshāns* from Manaq who are skilled in *sharī'a* ordered the appellants to produce their witness (*guvāh*). When the appellants were about to bring their witness, [the defendant] Allāh Birgān Mīrshab stated that he intended to go to Khiva (*Khīvāgha bārūrman dīb*) [and address the dispute to the royal court].²⁰⁴

It is evident that procedures undertaken by the *qāzīs*, such as making the witnesses take an oath, and listening to their statements, could be a sufficient basis for making a decision (*ḥukm*) in favour of one of the parties. In such a case, the decision would, as a rule, be final and irrevocable, with practically no room for later appeals against it (or, at least, it was very unlikely any such appeals would be successful). In the present case, it appears that when the defendant's side saw the willingness of their opponents to present the requested witnesses to the court, and, consequently, foresaw that the decision of the *qāzīs* might not be in their favour, they broke off the procedure, by announcing their demand that the investigation of the case be transferred to Khiva. So, once again, we come across a case where such a demand from one of the parties is a sufficient basis both for the governor and for the *qāzīs* to end the investigation and refer the case to the khan's court.

²⁰⁴ TsGARUz, f. I-125, op. 1, d. 498, l. 44.

However, if we turn to the questions which Khivan subjects referred to their khan (both in the rescripts from the palace, and in the reports in reply from the officials in the provinces), then we may conclude that the option of appealing to Khiva was defined not by the level of ‘importance’ of the question, the legal character of the dispute or the monetary value of the claim, but above all by the readiness and motivation of subjects to set off to the court. This is also supported by ethnographic materials related to the Qaraqalpaq tribes around the Aral Sea coast. Kosbergenov gives the following information from his respondents on the nature of legal relations among the local Qaraqalpaqs:

... by custom the Qaraqalpaqs always referred first to the local *biy* when a dispute arose. If both sides were not satisfied with the decision of the *biy* and continued their dispute ... the litigation could be heard at courts of higher instances – the *hākim* and even the khan ... [In this case] the transfer of matters of dispute to courts of higher instances was not determined by the character of the claim, but depended *exclusively* on the economic position of the disputants.²⁰⁵

The Qaraqalpaqs on the coast of the Aral Sea, who were located at some distance from the center of the khanate, used the same option of petitioning the khan in Khiva that was available to other Khivan subjects, since this enabled them to bypass both clan leaders and governors. At the same time, Kosbergenov suggests, such an appeal to Khiva not only created a possibility for conflict with local power-holders, but also required significant expenditure, which subjects were by no means always ready to make.

6.3 *Notifications*

A certain ‘Abdullāh, with the revealing nickname of *khāmbāsh* (‘puzzled’), lived in a village on the outskirts of the town of Khanqah. On an ordinary spring morning in 1918, he set off to his plot of land, located at some distance from his farmstead. As was his habit, when he arrived, he walked towards a small barn, where, among his various agricultural tools, he came across a whole series of unfamiliar objects that, it appears, did not belong to him. Surprised by such an unexpected find, ‘Abdullāh hurried to the home of Muḥammad Ya‘qūb Khwāja, the administrator (*mutavallī*) of an Islamic endowment and who most probably enjoyed a certain degree of respect within the local community. When

205 R. Kosbergenov, “Polozhenie karakalpalskogo naseleniia v Khivinskom khanstve v kontse XIX–nachale XX v.,” pp. 260–261.

Muḥammad Ya'qūb Khwāja heard about the suspicious discovery by his fellow villager, he made the only proper decision he could make: to report what had happened to the governor (*bāy āqā*) of Khanqah, within whose administrative jurisdiction the community fell. The *mutavallī* and 'Abdullāh loaded up the items they had found onto a camel, and set off to the governor's court in Khanqah. A group of dangerous robbers who had been plundering the area around Khanqah for several years were arrested as a consequence of this unexpected find. The details and sequel to this intriguing story are presented below, in the Section Three titled 'Notifications.'²⁰⁶ The episode described here is noteworthy since it provides an excellent illustration of the possible patterns of behavior of inhabitants of Khorezm who found themselves in a situation of emergency. What should Khivan subjects do if they were victim to a robbery or a raid, a participant in a dubious situation, or, as in this case, if they made a suspicious discovery? Inhabitants of Khorezm at the beginning of the twentieth century had a more or less clear idea: they should hurry to the home of the community elders, and later, if the case was serious enough, to the governor's residence.

The corpus of documents presented in the third section of the book contains notifications to the office of the *yasāvulbāshī* from various agencies in the provinces, in particular from provincial governors, providing information (*ṣūrat-i vāqī'a*) about various crimes committed on the territories within their jurisdiction and about the results of their investigations. They differ from the reports from the provincial governors, presented in Section Two, where the records were crafted as responses to undertakings to examine petitions initiated by the royal court. Section Three instead presents records issued by various provincial agencies to inform the royal court about the investigation of a range of wrongdoings, as well as descriptions of the measures undertaken to investigate and settle such matters. The records here termed 'notifications' shed light on cases that officials in the provinces of the Khanate of Khiva adjudicated of their own volition.

In the majority of cases of assaults, robberies, or murders, which are described in this section, the aggrieved parties appealed specifically to the provincial governors. As for the types of misdemeanors committed in the khanate, one European author reported that 'the most commonly occurring crimes are the following: theft, fraud, fights and often also murders ...'²⁰⁷ The notifications from provincial governors included in this work present a similar impression of the crimes committed in the khanate. Notably, the documents we have stud-

²⁰⁶ See Doc. 41.

²⁰⁷ M.I. Ivanin, *Khiva i reka Amu-Daria* (St. Petersburg: Obshchestvennaia pol'za, 1873), p. 62.

ied describe such misdemeanors specifically as crimes, which are designated as *jīnāyat* ('crime') or *gunāh* ('misdemeanor') in Khivan bureaucratese.

Like rescripts and reports, the genre of notifications is of little help to disclose the rules informing decision-making, patterns of behavior and conflict resolution. Let us illustrate what we mean by turning to one such text.²⁰⁸ We learn from a missive from the governor of the province of Besh-Ariq that a thoroughbred horse was stolen from the courtyard of the property of an inhabitant of the settlement of Susalaq. When the victim learned what had happened, he quickly hired a scout, who managed to follow hot on the robber's trail, tracing them to the house of a certain Rūz Muḥammad. Having identified where the possible robber was staying, the victim took his case to the provincial governor, accompanied by the heads of his community (*ilātīnī āqsaqāl kadkhudālārī*). In response to this notification (*ma'lūm*) and the testimonies received, the governor tasked an official with bringing the suspect to him at his court. During the subsequent hearing the accused admitted under duress that he had stolen the horse, and also supplied further details of how he had committed the crime. This information led to the arrest of a further four of his accomplices (*yūldāshlārī*). These four were subjected to further interrogation under torture (*siyāsāt itūb sūrāldī*) in order to establish the extent of their guilt, and to reveal that they had then sold the stolen horse. The governor decided to place all five thieves (*ūghrī*) under arrest in special premises at their own expense.²⁰⁹ Besides the 1,200 *ṭillā* owed to the victim as compensation, the communities' heamen took on the responsibility of covering the remaining expenses for the investigation, including the pay for the scout (*izchī fulī*), reward for the heads of the communities (*kadkhudā fulī*) who had taken part in the investigation, and any remaining costs (*ghayri chiqghūn*). Then, since the details of the crime had been fully established, and the expenses had been fully compensated, the community elders asked to be the prisoners' guarantors (*kafil*). On the basis of this appeal, the governor had sent the dispatch in question to Khiva, to the office of the *yasāvulbāshī*, asking whether the guilty parties could be entrusted to their guarantors. A short note on the margin of the document, obviously made by a scribe of the *yasāvulbāshī*, states that in response to this request from the provincial governor, the Khivan authorities approved the handing over of all the prisoners to the elders who would act in the capacity of guarantors.²¹⁰

208 Doc. 39.

209 We should note that the assessment of the value of the stolen horse is given on the basis of the victim's own words.

210 Similar scenarios for the investigation of crimes are also mentioned in other documents; see Docs. 38, 53, 55, 57. For further reflections on the institution of *kafālat* and on the notion of communal responsibility, see S. Winter, "Le rôle du *kafil* (garant) dans la

This example, which we have chosen almost at random from the general collection of such notifications, goes some way to convey the complex process involved in the investigation of a robbery. In the description just given, we can distinguish the individual initiative of the victim, who paid an expert scout, the active involvement of the community leaders, the role of the provincial governor and his guards, and finally, the presence of the central agencies of the capital, whose approval was needed for the final resolution of the case.

Together, the collection of documents at our disposal allows us to reconstruct (albeit in very general terms) the sequence and content of the procedural arrangements undertaken by various agencies when examining crimes and legal infringements. At the same time, it obviously must be acknowledged that the organization and conduct of investigations could vary from case to case, and did not necessarily always follow the exact details of the sequence described below.

The first formal step after a crime had been committed was the notification (*ma'lūm*, *khabar*, *'arż*) of the provincial authorities. The information was reported to the governor either by the victims themselves or by some other representatives of their community. If the incident had involved physical injury or death, the governor would have his assistant (*khizmatkār*, *ādam*) sent to the site of the crime, and would simultaneously instruct the local *qāzīs* to send their own trustee (*amīn*). Both trustees would then inspect the site of the crime and examine the body of the victim(s), always in the presence of representatives of the local community (*il-ādamlārī*). It is evident that the results of such examinations were recorded in written form, since the governors' notifications refer to such materials. In the case of incidents that led to death, the relatives were only permitted to bury the body once the corresponding examinations had been carried out by the authorities.

The next stage can be called the investigation (*taftīsh*), and was divided into the search operations and the inquiry. The documents presented allow us to reconstruct some procedural details and practices of investigation used by the local agencies. For example, one of the first tasks of the investigation was to define the possible range of suspects. For this the governor asked the victim for possible suspects (*gumāndār*). If names were given, then the governor instructed his mounted guards (*āṭlī nawkar*) to bring such individuals to his residence for interrogation. In such cases, representatives of the local community, or elders, would take part in the arrest of the suspects in their place of

governance locale selon les contrats d'affermage fiscal à Tripoli au XVIIe–XVIIIe siècle," *Islamic Law and Society* 23.4 (2016), pp. 392–409.

residence. They were usually also present for the subsequent hearing in the residence of the governor.

Another method for carrying out investigations, often mentioned in our documents, was the use of expert scouts called *īzchī*, who could follow the tracks of the criminals if the conditions were right.²¹¹ The use of such specialists appears to have been relatively widely practiced, especially in the case of thefts of livestock, and could often produce successful outcomes. This is indicated by a whole series of cases where the employment of a scout led to the identification of the place where the suspects lived and, in rarer cases, to the discovery of the stolen property itself. This was usually where the services of the scouts ended, since once the possible location of the criminals had been identified, the victim would then appeal to the provincial authorities to ask for someone to come and arrest the suspects and interrogate them. In this case too, the arrest of the suspects, especially if it happened in another locality, would happen in the presence of representatives of local society.

Another method of investigation mentioned in the documents is the use of informants (*āyghāq*). In this capacity, habitués of busy places such as the bazaars were often ready to share information with the victim's side for a defined reward.²¹²

The documents also point to a whole range of other more elaborate practices for hunting criminals, involving the use of rituals of fortune telling and divination. For example, one of the documents tells how a certain mullah, who offered his services to deal with a case of theft, had two boys look into the water to identify the culprit.²¹³ In another case suspects for the theft of money were

211 In the late 19th century, the colonial official A. Lomakin collected interesting reports about how the Turkmens in the Transcaspian Region used trackers in the case of thefts. Although these materials concerned Turkmens, they still correspond to the practices mentioned in our documents: '... a group of people known as *īzchī* has formed: *īz* – following, hence *īzchī* – one who follows tracks, a searcher; their profession consisted of the search, for reward, in the tracks of lost property ... One is amazed by the knowledge and skill with which an *īzchī* follows a track ... This art, of course, takes many years of practice to perfect, and provides those Turkmens who have mastered it with a substantial income,' see A. Lomakin, *Obychnoe pravo u Turkmen (Adat)* (Ashkhabad: Parovaia Russkaia tipografiia K.M. Fedorova, 1897), p. 99.

212 In many of the documents the sums which could be paid to trackers and informants for their services are recorded. So, in the example mentioned above, concerning the investigation of the theft of a horse, the services of the *īzchī* were valued at 300 *tillā*, which were to be paid by the criminals. In another document (see below), individuals who had initiated a search for thieves managed to gain important information as to the whereabouts of the latter from an informant for the sum of 100 *manāt*.

213 *har kimnī mällārī ūghūrlānsa ikkī yāsh bālānī suvgha qārātīb ūghrīnī tāpīb birūr irdīm*, see below Doc. 25.

found by 'scattering sand' (*tūfrāq tūktūrūb*).²¹⁴ The documents do not give any information as to the meaning of such practices, either legalistic or divinatory. Also they do not indicate how reliable any information gathered by such means was believed to be or whether it could be used in the subsequent process of investigating wrongdoings. However, it is clear that these practices and rituals were widespread in Khorezmian society in the early twentieth century.²¹⁵

It is noteworthy that in the great majority of cases, searches were initiated and carried out by the victims or representatives of their communities. Only once the range of suspects had been established did the initiators of the search turn to the provincial authorities. The latter were needed for help in the subsequent arrest and escort of the suspects to the governor's residence for interrogation. It is clear that the arrest of the criminal had to be sanctioned by the provincial authorities, which helped to reduce the chance of open conflict between different groups and communities to whom the victims and suspects of a crime belonged.

Once the range of suspects had been established and they had been escorted to the governor's residence, there followed the next stage, the *surāq* or inquiry. The texts studied here are relatively sparing in their descriptions of the procedures involved in an inquiry, and the tactics of interrogation used. They simply indicate that the interrogation was carried out by the governor himself in the presence of representatives of both the side being questioned, and the victim's side. The governors often admitted in their notifications that during interrogations they had used force (*jazā, siyāsat*), in the form of lashes of the whip (*qāmchī*) or beating with a stick (*tayāq*). However, our texts do not allow us to define precisely how much force was considered acceptable in interrogations. Clearly, governors had the formal right to use force against suspects, but their ability to use this right could be limited by the authority of both the suspects themselves and their representatives.

If the accused did not acknowledge his or her guilt during the interrogation then they would be sent to Khiva, escorted by an armed convoy and the victim's party, for further hearing and the settlement of the case. If the details of the crime were established, and the accused was proved guilty, then they would be placed under temporary arrest at the governor's residence (*ūyga šālib*), until further instructions arrived from the center. If, as often happened,

214 Doc. 57. On geomancy and other occult sciences practiced in Central Asia in the period under consideration in this book, see M. Melvin-Koushki and J. Pickett, "Mobilizing Magic: Occultism in Central Asia and the Continuity of High Persianate Culture under Russian Rule," *Studia Islamica* 111 (2016), pp. 231–284. See, also, N. Lykoshin, "O gadanii u sredneaziatskikh tuzemtsev." In *Spravochnaia knizhka Samarkandskoi oblasti 1907 g. Vypusk IX*, ed. M. Virskii (Samarkand: Tipo-Litografiia G.I. Demurova, 1907), pp. 163–197.

215 AIEARAN, fond G.P. Snesev, *Polevyie zapisi*, no. 8 (1966), ll. 16, 23; no. 15 (1955), ll. 24, 70.

representatives of the community and relatives of those arrested were present, these would pay the damages and try to have those arrested handed over to them as guarantors (*kafil*). In such cases, the governor would also ask for instructions from the court and the *yasāvulbāshī*, as to whether the criminals could be handed over to their guarantors.

To follow these procedural practices, let us turn to yet another investigation, in this case of a robbery carried out in one of the villages around Manghit in late 1916.²¹⁶ A certain elderly woman appealed to the provincial governor with a grievance against a group of people who had broken into her house and stolen some items that belonged to her, including some livestock, valuables and money. The woman identified (*gumānūm shūndīn tūrūr*) one of the robbers as a certain Sāriq Bāy. During the interrogation by the governor, the suspect denied having taken any part in the crime. Meanwhile, the leaders of the community (*āqsaqāl kadkhudālārī*) to which Sāriq Bāy belonged insisted on his innocence (*ūghrī imās*), and petitioned the governor to give them six days to apprehend those responsible for the crime. In the course of their search, the community leaders came to the opposite 'Russian' side of the Amu Darya (*āryāq*), where they managed to find an informer (*āyghāq*). For a fee, the latter gave them two names of people who had sold part of the stolen property at the bazaar a few days earlier. However, since these individuals were currently located on territory under Russian jurisdiction, the *āqsaqāl* could not initiate a formal search for them, and so patiently waited for their return to the left, 'Khivan' side (*bū tarafghacha ūtgūncha*). As soon as the latter turned up in the bazaar of the town of Khitay under the Khivan jurisdiction, they were immediately arrested by representatives of Sāriq Bāy's community, accompanied by an assistant (*yūzbāshī*) of the governor. During the interrogation before the provincial governor, both of those arrested admitted to having committed the robbery, and also gave the names of their remaining accomplices (*yūldāsh*), three of whom were also arrested. Although the newly arrested individuals refused acknowledgment of guilt (*tuhmat*) for having taken part in the robbery, they nonetheless expressed their willingness to pay the cost of what had been stolen. The governor had no means to prove the guilt of the latter three, and so had his trustee escort all five under convoy to Khiva for their fates to be decided there.²¹⁷ In his report on this, the governor adds that, according to the local inhabitants, one of those arrested was a certain Tangrī Birdī, who was a known thief (*yamān ūghrī*), who had managed to escape capture for

²¹⁶ Doc. 56.

²¹⁷ Sāriq Bāy, who had been arrested earlier, is not mentioned among those taken under convoy to Khiva, which suggests that the earlier accusations against him had been withdrawn.

many years, having successfully hidden on the Russian side of the Amu Darya (*hīch tāpdūrmāy āryāqda qāchīb yūrgān irdī*).

It is also striking that the true criminals were apprehended on the initiative of members of the community of Sāriq Bāy, who had earlier been arrested on the basis of the victim's statement. The gathering of information, the use of informants, and the pursuit of the suspects had all been carried out by these people, and at their own expense, as they tried to demonstrate the innocence of the suspects. The actions of the three other individuals arrested under suspicion of involvement in this crime are also worth noting: they insisted on their innocence but nonetheless expressed willingness to compensate the victim for the loss she had sustained during the robbery. In a modern context, such willingness might be taken as an informal admission of guilt on the part of the suspects. However, it is clear that according to notions of morality which had currency in early twentieth-century Khorezm, such willingness in no way indicated indirect admission of involvement. Both examples are telling: while a concept of 'presumed innocence' is one of the basic concepts of legal relations in the contemporary world, in Khorezm in the period in question, a suspect would instead have to demonstrate innocence. In the case of Sāriq Bāy, his non-involvement was proved by the efforts of members of his community, who sought out the real perpetrators of the crime. In the second case, individuals who were unable to present similar proofs of their innocence were forced to express their willingness to take upon themselves the compensation payment.

It is also important to note that in such notifications we very rarely find mentions of cases in which to deny a claim would precipitate a hearing by *qāzīs*. In light of the records and the proceedings we described above, it would be natural to expect that jurists would be called upon to bring suspects to produce testimony or witnesses to take oaths. However, the documents indicate that the *qāzīs* were only fleetingly involved in criminal investigations; their intervention was very often limited to a formal examination of injuries on the victims. Records show that subjects seem to have no particular interest in turning to *qāzīs* for help, preferring instead other mechanisms of conflict resolution.

There is no doubt that the provincial governors had a wide range of powers to initiate investigations, arrest suspects and to impose initial bail conditions. For example, the authors of a late 19th-century military-statistical survey of Khiva noted that:

... the *hākīm* has a fairly large degree of power over the population. He can imprison people suspected of crime and can place shackles upon them, he can inflict corporal punishment on the simple people, and he can decisively resolve all minor disputes. In order to ensure his orders are

carried out ... the *ḥākim* usually has around 10 guards and a fairly large number of retainers, most of whom are his relatives.²¹⁸

Given these powers, why in the cases discussed here did the governors have to refer matters to Khiva for resolution? And why, more generally, did the *ḥākims* craft such detailed notifications, informing the central agencies about the circumstances of the cases under investigation?

Evidently, the actions of the governors need to be seen within the dynamics of the power relations within the khanate. We find officials of various walks of life and career backgrounds among the governors whose names appear in our records. For example, among them we find individuals who inherited the post, such as 'Avāz Khwāja, the ruler of Khoja-eli, on account of his belonging to the local elite. Other *ḥākims*, by contrast, could be just temporary appointees, selected among the relatives of senior court dignitaries.²¹⁹ The legal authority and judicial power of such dignitaries would often depend on the status and influence of their patrons at court.²²⁰ We also meet a group of governors who were appointed by the khan from among his confidants (*maḥram*),²²¹ for whom a governorship was just a jumping-off point in their career, as in the case of Shaykh Naẓār Yasāvulbāshī. The picture becomes even more complex if we take into account the members of different ethnic groups that lived on territories administered by such governors – Qazaqs, Turkmens, Qaraqalpaqs – whose leaders certainly did not always accept the authority of the *ḥākim* who intervened in their affairs. In such circumstances, the legal authority of the *ḥākim* was not determined by his official tasks and administrative prerogatives. On the contrary, the legal authority of the governors in many respects was contingent upon their ability to situate themselves in this complex social context, to manage relations with local power groups and elites while still taking into account the balance of power at the royal court. This was especially the case when the parties to a conflict were members of different social, especially ethnic, groups often backed up by powerful figures. It does not come as a surprise that parties to a conflict could call on their influential patrons at the court in Khiva. In such cases, as can be seen in the records, the governors were forced

218 [Girshfel'd and Galkin], *Voenno-statisticheskoe opisaniye Khivinskogo oazisa*, II, pp. 23–24.

219 Allāh Birgān Bāy b. 'Avāz Niyāz Maḥram, the *ḥākim* of Urgench, was the brother of Muḥammad Yūsuf Yasāvulbāshī; Sayyid Ismā'īl Khwāja, the ruler of Hazarasp, was the older brother of the *vazīr-i akbar* Sayyid Islām Khwāja (d. 1913).

220 For example, soon after the death of Sayyid Islām Khwāja, his brothers Sayyid Ismā'īl Khwāja and Ishāq Khwāja, respectively the governors of Hazarasp and Kunya-Urgench, were removed from their posts.

221 For example, Jum'a Niyāz Maḥram b. Maḥmūd Dīvān, the ruler of Tashhawz.

to weigh up their actions against the possible consequences. It often happened that the governors in the provinces were not ready to intervene in a conflict between local groups, in case they themselves became drawn into the conflict.

This was the story, for example, with the investigation into the kidnap of a Qaraqalpaq girl, later recorded by the Soviet ethnographer Rzambet Kosbergenov. According to his account, a girl from a Qaraqalpaq tribe, having already been betrothed to another member of her tribe, was kidnapped by an Uzbek boy. Hoping to escape their pursuers, the young couple was forced to seek shelter in Turkmen nomadic encampments. The girl's relatives appealed to the governor of Shumanay, under whose jurisdiction they fell, with a demand that the girl be returned to her family and the boy be punished. The petitioners called upon an authoritative fellow-tribesman called Qāzī Bekbauli, who had close contacts with Khiva, to exert additional pressure. The governor, however, 'did not want to decide this matter independently,' since any decision could bring him into confrontation with different groups, and preferred to send the matter on to Khiva, for the agencies in the capital to settle.²²²

We should also not forget that the khan's accessibility, which we have already discussed, allowed individuals to appeal against the actions of the governor. One of our documents provides an example.²²³ A person had been caught stealing and had been arrested by the victim's side. When interrogated by the local governor he not only confessed the crime, but also named an accomplice (*hamrāh*). At the same time, the leaders of his community managed to obtain his release under their guarantee (*kafil*), on the pretext that they would carry out further investigations into his activities in the locality. As soon as he was released, however, the suspect set out to the khan's court, to petition for a more objective examination of his case. This led to the *ḥākim* sending his dispatch, in which he was forced to give a detailed account to Khiva to demonstrate that he had acted justly during the earlier investigation.

6.4 Qāzīs' Reports

Qāzīs are conspicuous by their infrequency of their appearance in the 'yasāvulbāshī documents'. The fourth section of this book includes only a handful of reports, which *qāzīs* addressed to the royal court in Khiva. Most of these reports reflect how *qāzīs* attended to and fulfilled tasks which the royal court assigned to them and which ranged from hearing lawsuits to inspecting corpses for traces of lethal injuries. As we noted earlier, the infrequency with

222 Kosbergenov, "Polozhenie karakalpalskogo naseleniia v Khivinskom khanstve v kontse XIX–nachale XX v.," p. 262.

223 Doc. 51.

which *qāzīs* appear reflects their lower status in the hierarchy of power within the Islamic juridical field of Khorezm. That is, Qonghrats' subjects brought their grievances to representatives of khanal authority because the latter were more powerful and effective than *qāzīs* in enforcing judgments. Our observation does not amount to say that *qāzīs* did not hear cases. They usually did not hear cases of their own volition, but mostly when instructed to do so by the royal court and, especially, by the office of the *yasāvulbāshī*. It could also be that *qāzīs* did hear cases of their volition after those parties to a dispute agreed to bring their cases to judges instead of turning to the royal court officials (see Docs. nos 66 and 68). While they played a somewhat marginal role in hearing cases, *qāzīs* were central in the process of notarizing the resolution of conflicts. The records here assembled show that more often than not representatives of the Qonghrat royal court pursued reconciliation. When the latter was achieved, parties were obviously interested to secure proof of a peaceful settlement (*ṣulḥ*). *Qāzīs* therefore produced records solemnizing the stipulations of such settlements, which could include acknowledgments of acquittal (*ibrāʾ*) of a claim and all sorts of transactions.²²⁴ Although such records rarely include references to disputes, they should nevertheless be read as *outcomes* of disputes.

7 What was the Cost of the 'arż?

The account by Nyl Lykoshin, Head of the Amu-Darya Department, of his tour of inspection of the Khanate of Khiva in 1912 includes an intriguing story told to him by a certain Allāh Naẓar, an inhabitant of Tashhawz. The latter told the Russian official about his dispute with the local town's chief of police (*pashshāb*), which had left Allāh Naẓar with knife wounds. Allāh Naẓar submitted a petition to Khiva and, as a result of the investigation, the chief of police was found guilty and sentenced to pay 200 *ṭillā* (360 roubles, by Lykoshin's calculations). However, the victim only saw a quarter of that sum, since 100 *ṭillā* went to Muḥammad Yūsuf Yasāvulbāshī, who had investigated the case, and an additional 50 *ṭillā* 'was the share that went to the attendant (*yasāvul* – P.S., U.A.) for their efforts.'²²⁵ The episode is noteworthy, above all, because it

224 The phenomenon whereby 19th-century Central Asia *qāzīs* mostly operated as notaries has been the subject of a discussion in Sartori, *Visions of Justice: Shari'a and Cultural Change in Russian Central Asia*, pp. 54–57.

225 N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, ll. 46–46ob.

gives at least a vague idea of how the sums taken from the parties to a dispute were then distributed after the hearing of the case in Khiva.

Meanwhile, one of the reports from governors to the office of the *yasāvulbāshī* presented in Section Two also illustrates the substantial financial investment that a petitioner had to make when taking one's appeal to Khiva.²²⁶ The governor informs the central agencies about the course of the examination of a petition which had earlier been submitted by a subject to the khan's palace, and reports how, during the subsequent hearing in the province, one of the defendants had insisted that the examination of the case be transferred back to Khiva. The *ḥākim* admits that he had tried to talk the defendant out of such a rash decision, since such an appeal to Khiva 'would end up costing the petitioner (*kharj*) 200 roubles (*manāt*).'²²⁷ Unfortunately, the author of the report does not say anything about what he had in mind precisely by 'costs during the trip to Khiva.' Indeed, one is only left to wonder what may have been the items of expenditure that a petitioner had to take into account, when preparing to set off for Khiva.

It is notable that a similar amount of expenditure for the handing over of a petition and its examination in Khiva is also indicated by the authors of a grievance submitted to members of the 'Senate Review' (Rus. *Senatskaia Reviziia*) that had been initiated by the Russian imperial authorities in 1908–9 for the survey of their colonial possessions in Turkestan. The authors of the letter, inhabitants of Khiva who wished to remain anonymous, describe the wrongs of the local justice system to the director of the commission, Count Konstantin Konstantinovich Pahlen. In particular, they write that the procedure for the reception and examination of petitions from subjects had become a source of income for the officials involved, such that an examination of an ordinary petition to Khiva usually cost the petitioner around 100–200 *ṭillā*. A slightly smaller sum – 50 *ṭillā*, according to the authors of the missive addressed to Pahlen – would be taken during the hearing of a petition by provincial authorities such as the *ḥākims*.²²⁸

226 Doc. 21.

227 *Manāt* was the local designation for the Russian rouble. After the Russian takeover of Khiva in 1873 the two currencies, i.e., *manāt* and *ṭillā*, were used in the khanate. Though the exchange rate was not stable, the average rate during this period had been fluctuating between 1,6 and 1,8 Russian roubles (*manāt*) for one Khivan *ṭillā*, see 'Abdullah Bāltaev, *Rivāḷūtsiyadīn avval qishlāq khwājaliqīdā bülghān Khwārazm dīhqanlārīnī aḥvālī va kūrgan 'azāblārī*, MS Tashkent, IVANRUz inv. no. 11978, fol. 23a; Iu.O.Ia., "Khivinskaiā ten'ga v sviazi s nedavnim proshlym ten'govogo voprosa," *Turkestańskii sbornik*, vol. 464 (Tashkent, 1908), p. 122–8; [Girshfel'd and Galkin], *Voenno-statisticheskoe opisaniie Khivinskogo oazisa*, II, p. 199.

228 RGIA, f. 1396, op. 1, d. 33, l. 101.

It would be tempting to treat the information coming from Lykoshin and the anonymous petitioners as part and parcel of the narrative, which was dominant in Central Asia under Russian rule, about the corrupt nature of power and, by extension, of the justice system in the Khanate of Khiva. Equally, the similarity between the figures provided by three different authors may suggest that indeed we are dealing here with established practices of corruption. At any rate, it seems obvious that, in a system without fixed payments, various official figures at both the central and provincial levels saw their involvement in the hearing of petitions as an important source of revenue.

The Khivan author Safarov emphasised that appellants would be meeting expenses as soon as they filed their grievance. One had to make a payment (*kātibāna*) to the court scribe (*divān*) for a rescript (*fatak*) to be drawn up and stamped by the Qonghrat chancery.²²⁹ Mirzā ‘Abd al-Raḥmān, the translator and assistant of Alexander Kuhn, in his records composed in 1873, wrote that the court *divāns* would take for themselves 9 *ṭangas* from everyone who came to the ‘arż.²³⁰ The *yasāvulbāshī* also expected a separate payment (*muhrāna*) for affixing his seal to the instruction. The head of the court guard (*dahabāshī*) received his share of the payment for sending a mounted guard (*ātli yasāvul*) to the site of the conflict.²³¹ The latter would often have to travel tens of kilometres from the capital. Although in the rescripts the sum to be paid for the services of the escorts was strictly stipulated in the region of 2 to 4 *ṭanga* per parasang travelled, Safarov asserts that besides this formal pay, the petitioner would also have to cover his expenses (*kharj fulī*), including the fodder for his horse (*āt āvqātī*) for the whole course of the investigation of the case.²³²

The hearing of the conflict in the locality also meant involving community elders (*āqsaqāl*) and authoritative members of the community from both sides (*il-ādamlāri*), who would expect to be hosted and given presents. Ethnographic data collected by Soviet scholars among the Qaraqalpaqs living on the northern edges of the khanate provides specific confirmation of this:

229 Bābājān Safarov, *Khwārazm ta’rīkhī* (1864–1934), MS Tashkent, IVANRUz, inv. no. 10231, fol. 21.

230 Mirza Abdurakhman, [*Zapiski Mirza Abdurakhmana*], St. Petersburg, IVRRAN, Arkhiv Vostokovedov, f. 33, d. 134, l. 99 ob. On Alexander Kuhn and Mirzā ‘Abd al-Raḥmām, see O. Yastrebova and A. Azad, “Reflections on an Orientalist: Alexander Kuhn (1840–88), the Man and His Legacy,” *Iranian Studies* 48.5 (2015), pp. 675–694.

231 Bābājān Safarov, *Khwārazm ta’rīkhī* (1864–1934), MS Tashkent, IVANRUz, inv. no. 10231, fol. 22.

232 Chancery expenses are not specific to Khiva and its ‘arż-dād procedure, to be sure. One is put in mind that in other regions of Central Asia too to secure a fatwa, or a deed for that matter, required paying similar fees. See Sartori, *Visions of Justice: Sharī’a and Cultural Change in Russian Central Asia*, pp. 63, 136, 264.

Usually a court decision about a litigation would be settled in the province. The authorities would arrive in the village and stay at the house of whoever had initiated proceedings. The plaintiff would have to slaughter his livestock and host ... his entire retinue. The examination of a case could sometimes last a week. The costs for the plaintiff would rise constantly; he would be forced to make concessions ... The higher the level of jurisdiction, the greater the scale of hospitality required ...²³³

We should also not forget the cost of involving a provincial governor, and paying for the services of *qāzīs*, regardless of whether they brought their legal expertise in the form of an interrogation of the witnesses, an oath-taking, or simply by notarising either an amicable settlement (*ṣulḥ*) or a withdrawal of the claim (*ibrāʾ*), following an out-of-court settlement of the conflict.

The question of the many malfeasances by senior officials, particularly in connection with the examination of petitions, was often raised by members of the colonial administration in the region. In late 1910, under pressure from colonial officials, the Khivan authorities initiated administrative reforms, designed to root out a system based on Qonghrat officials' discretion, and instead to introduce fixed payment from the treasury. For example, the first point of the so-called Programme of Reform, undertaken in January 1911, declared:

The khan of Khiva, considering the [present system of] remuneration of official persons to be old-fashioned, and incommensurate with [the demands of] the present time ... has ordered for the introduction of an arrangement of daily payments to all the officials of the khanate, commensurate with the character of the official duties they carry out.... For this reason, all payment [formerly] taken from the population [for the benefit of] the Khivan treasury and as payment for court officials is now cancelled. In particular, the following payments are cancelled: payments taken [from the population] for the Khivan treasury for fixing compensation for murder (*khūn*) to [the value of] 1/10 [of the value of the compensation], also the payment of 10 *tillā* [taken by] *yasāvuls* and *maḥrams*, on their appointment to investigate murders; the payment of 5 *tillā* during the investigation of cases of injuries; also the payment taken by *ḥākims* for investigating matters of theft and robbery [to the cost of] 1/10 [of the value of the compensation]. Besides this, for the drawing up and delivery of documents (*ḥujjat khat*), and for the making of decisions (*ḥukm*) about

233 Kosbergenov, "Polozhenie karakalpalskogo naseleniia v Khivinskom khanstve v kontse XIX-nachale XX v.", pp. 260–261.

claims (*da'vā īshlār*), [it is not permitted for] *qāzīs* to take more than 5 *ṭanga* from every 1,000 *ṭanga* [of the sum demanded in the claim] ... All of these payments are cancelled in their entirety and without exception.²³⁴

As a consequence of these initiatives, there were also attempts to fix the cost of the services of the *qāzīs* and *hākims*. We also have a written instruction from the Khivan central authorities, addressed to the *qāzīs* of one of the towns of the khanate (sealed by Sayyid Islām Khwāja – the grand *vazīr* of the khanate), regulating the sphere of powers and the pricing for drawing up documents:

[It is permitted for *qāzīs*] to take a payment in the form of *muhrāna* and *kātībāna* for the notarisation of any kind of document (*khaṭ*) in their chamber (*maḥkama*); and also *kātībāna* for registration (*daftar ītūlgāndā*) of such documents, calculated at half a *ṭanga* for every 100 *ṭanga* [of the value of the transaction] and at 5 *ṭanga* from every 1,000 *ṭanga* [of the value of the transaction], but not to demand anything above the [sum] stipulated. When the documents are notarised, and no [precise value of the claim] is to be stipulated, as for example in the case of [the notarisation] of a document concerning the withdrawal by one person of a claim (*da'vā*) against another person, or equally [the drawing up of] other such documents, then the payment for such types of services is fixed at [the value of] no more than 2 *ṭanga* [per document drawn up].²³⁵

However, these initiatives were largely declarative, and they evidently did little to change things much at an institutional level. The practice of *kormlenie* ('feeding'), i.e., distributing stipends to officials, which was the central component of the system of power relations in the Khanate of Khiva, could not be replaced by fixed payments for senior officials. Attempts to regulate such a sophisticated and flexible system, even simply by introducing fixed rates, resulted in ineffective half-measures. What is more, even this formal initiative was not fully realised.²³⁶ Without realistic mechanisms for its enforcement, informal agreements continued to dominate, and so the examination of petitions, claims and conflicts between citizens continued to be seen as an important source of income for the individuals involved.

234 GMIQ, Khiva, KP-3687, fols. 2a–2b.

235 TsGARUZ, f. I-125, op. 1, d. 579, l. 2.

236 Abdurasulov and Sartori, "Neopredelennost' kak politika: razmyshliaia o prirode rossiiskogo protektorata v Srednei Azii," p. 144.

Safarov notes that during the hearing of a case at the court, besides the fixed fees, it was expected that the petitioner and the defendants would make various payments to the *yasāvulbāshī*, and that they would also bring ‘gifts as a mark of gratitude’ (*pishkashlar bilān qüllūq qilandī*) to various courtiers who could have a positive influence on the resolution of the case. Even after the decision had been made, the claimant or the defendant, depending on who had been successful, would have to bring yet another present to the *yasāvulbāshī*, ‘commensurate with the value of the claim.’²³⁷

Moreover, the Khivan author writes that examination of a case in Khiva could drag on ‘for two to three months.’ Given that it was usual for ‘ten to fifteen’ authoritative fellow villagers and elders of the community to escort the litigants to Khiva, the living costs for the latter during their stay in the capital could add an additional burden for the litigants. As a good illustration, Safarov writes how during the days of the *‘arż*, there were always money-lenders (*sūdkhūrlār*) plying their trade ‘at the entrance to the khan’s palace,’ ready to provide litigants with the necessary sums at interest. Of course, Safarov’s information cannot be taken at face value; it must be remembered that the work was composed in 1957, i.e., four years after the death of Stalin, in a state where entirely different ideological and epistemological paradigms dominated. It therefore reflects a number of preconceptions, especially in the section concerning the justice system. Nonetheless, it is clear that a journey to Khiva for examination of a case at the khan’s palace was no cheap undertaking by any means.

Therefore, a somewhat ambivalent picture has emerged, wherein on the one hand the khan of Khiva was in fact reasonably accessible for subjects who wished to appeal to him, but where the practical realization of such access could end up being distinctly expensive for them.

So, once again, the question arises: why did subjects decide to go to Khiva? The answer is both complicated, and simple. Litigants usually had to pay a considerable amount of money to have their cases heard. Obviously, sometimes the larger part of the expenses would fall on the shoulders of the losing side.²³⁸ Thus, petitioners might be able to recoup their costs. Therefore, on the one hand, a claimant planning to take a petition to Khiva would have to weigh up the possible expenses that further examination of the case could incur, against

237 Bābajan Safarov, *Khawārazm ta’rikhi* (1864–1934), MS Tashkent, IVANRUZ, inv. no. 10231, fols. 21b–22b. For comparative purposes, see A. Wilde, *What is beyond the River? Power, Authority and Social Order in Transoxania (18th–19th Centuries)*, 3 vols. (Vienna: Austrian Academy of Sciences Press, 2016).

238 Some of the royal rescripts stipulate that the *yasāvulbāshī*’s expenses should be paid by the side found guilty.

what could be won if the case was decided in their favour. Meanwhile, the defendant would also have to calculate the risks of such an undertaking. So if they felt their position was not sufficiently secure, they would be much better off trying to resolve the case in the locality, without a hearing in Khiva. They might therefore accept the claimant's conditions partially or in full in order to reach a compromise.

Still, it would be misleading to explain the motives of the people who decided to set off to the royal court solely on the basis of financial or material factors. An excellent illustration is provided by the following story, found in the writings of the mid-nineteenth-century Russian author Galkin, who carried out ethnographic research among the Turkmen tribes on the eastern shore of the Caspian Sea. Galkin presents the story of a Turkmen woman from the Caspian gulf of Qara-Bogaz, who wanted to divorce her husband. According to Galkin, this woman was well aware that such a divorce was hardly possible within the legal and ethical norms of the Turkmen locality, so she decided to petition the khan in Khiva, where she was able to secure a public divorce.²³⁹ Of course, there are good reasons to suspect this story, recorded by a Russian author, may be apocryphal. However, it is still quite telling, in the sense that it can explain why the protagonists in our documents, during an interrogation by the *ḥākim*, or before the *qāzī*, so often opted to leave the room and set off for Khiva. With an appeal to the khan's court in Khiva, the resolution of a conflict would receive new publicity. Hence it could allow simple people the chance to receive satisfaction (which was otherwise hard to attain) for injuries to their self-worth, and to restore their sense of dignity before the community to which they belonged.

239 M.N. Galkin, *Etnograficheskie i istoricheskie materialy po Srednei Azii i Orenburgskomu kraiu* (St. Petersburg: Izdanie Ia.A. Isakova, 1868), p. 33.

Documents



Rescripts

Document 1: A Rescript by the *yasāvulbāshī* about a Dispute over Inheritance¹

Introduction

A certain Muḥammad Jān passed away. His wife Āyimsūn Bika and Qūchqār, underaged son of Muḥammad Jān and stepson of Āyimsūn Bika, inherited from him some money and a horse. Bīk Jān, Āyimsūn Bika's brother, kept all this wealth in custody (*amānat*). He did so most probably by acting in the capacity of guardian for the underage. At some point in time Āyimsūn Bika asked Bīk Jān to entrust to her the inheritance left to her and her son, but Bīk Jān refused to do so. Āyimsūn Bika thus took legal action against her brother. She went to Khiva and filed there a claim with the royal court. The *yasāvulbāshī* issued a warrant ordering an attendant (*yasāvul*) to go to the place and deal with the conflict. Negotiations evidently proved insufficient to achieve an extra-judicial reconciliation, and the case was then transferred to a judge (*qāẓī-īshān*), who summoned the parties. At the hearing Bīk Jān counterclaimed that his sister had already relinquished the claim. According to a legal procedure often adopted in *sharī'a* courts, the judge put Āyimsūn Bika under oath (*ānt*).² She swore an oath and the judge consequently ruled for the restitution of the inheritance and compensation for the horse that had in the meantime been sold.

Translation

A certain Āyimsūn Bika³ together with Qūchqār, who is Jum'a Niyāz's minor (*ṣaghūr*) stepson (*ūgāy ūghlī*), gave 50 *ṭillā* in cash, 50 *ṭillā* in promissory note (*khat*), and one horse in deposit (*amānat*). Since [the afore-mentioned goods] were not returned [to their proprietors], they filed a claim (*da'vā*) against a certain Bīk Jān. Let [the parties] together with Muḥammad Raḥīm Bāy Yasāvul, who is the liegeman (*nawkar*) of Muḥammad Yūsuf Yasāvulbāshī, come to the royal court (*dargāh-i 'ālī*) of our lord, may his rule last forever, and solve [the dispute] (*ṣāf būsūnlār*). The attendant's fee (*yasāvul haqqī*) is 4 *tanga* per parasang. This warrant (*khat*) was registered on 28 Zī al-ḥijja 1328 [30.12.1910].

¹ TsGARUZ, I-125, op. 2, d. 633, ll. 7–70b.

² Sartori, *Visions of Justice: Sharī'a and Cultural Change in Russian Central Asia*, chap. 5.

³ This is a spelling variation of Āyimsūn Bika, see below *verso* side of the document.

Seal: Muḥammad Yūsuf Yasāvulbāshī b. Avaż Niyāz Maḥram

[Verso:] Khudāy Qulī from Manāq⁴ and Āyimsūn Bika bint Shīr Niyāz, from the Būrlāq community (*qavm*), acting on behalf of themselves and as a guardian (*aṣālattan ūz ʔarafidīn viṣāyatan*) of her minor son (*ṣaghīr ūghlī*) Qūchqār b. Muḥammad Jān, had lodged a claim (*daʿvā qīldī*) against Bik Jān valad-i Shīr Niyāz, from Māyli Jengel.⁵ [The claim] regarded a horse valued at 50 *ṭillā* and 50 *ṭillā* in cash. Since [the respondent] answered that he had [already] returned the goods and discharged [himself from any obligation], the onus of the oath (*ant*)⁶ fell on Āyimsūn Bika and her husband Jumʿa Niyāz b. Raḥmān Birdī. According to the subsequent ruling (*ḥukm*), 50 *ṭillā* in bonds and 100 *ṭillā* in cash were given [to the claimants] in the presence of the *qāẓī-īshān*. [This occurred] on 8 Muḥarram 1328 [19.02.1910].⁷

4 Manaq, otherwise known as Ambar or Ambar-Manaq, was a settlement located 45 km north-west of Khiva, see "Opisanie Khivinskogo khanstva, sostavlennoe v 1842 g. podpolkovnikom G.I. Danilevskim," p. 103; A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 45 ob. 'Abdullāh Bāltaev mentioned Manāq among the 24 administrative units at the head of which at the end of the 19th century there was a governor (*ḥākim*), see his *Khīva īsdalīklārī*, MS Tashkent, IVANRUZ, inv. no. 11645, fol. 108a. Bāltaev employs a Soviet term to denote such administrative unit, *rāyūn* < Rus. *raion*.

5 Māyli Jengel or Māyli Chungul is indicated between Gurlen and Ambar and corresponds to the modern village of Mayli Jengel which is located circa 11 km south-west of Gurlen, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 610, n. 615; Georg von Gens, and Gregor von Helmersen, "Izvestiia o Khive, Bukhare, Kokande i severo-zapadnoi chasti Kitaiskogo gosudarstva," p. 24.

6 Spelling variation of *ant*.

7 The date is incorrect, otherwise it would seem that the judge issued the ruling a year prior to the claim being filed with the royal court. It is thus more likely that the date was 8 Muḥarram 1329, that corresponds 8 January 1911.

Document 2: A Rescript by the *yasāvulbāshī* about a Dispute over the Payment of Dowry⁸

Introduction

In 19th-century Central Asia a wedding consisted of three main rituals. One was the 'betrothal' consisting of the reading of the opening *sura* of the Qur'ān (*fātiḥa*) with which the bride and the groom commit to the wedding. The other was the solemnization of the marriage (*nikāḥ*) usually before a mullah in the form of a contract (*'aqd-i nikāḥ*).⁹ The third ritual was the celebration (*tūy*).¹⁰ The first two took place at the house of the bride, but expenses for the organization of the celebration fell exclusively on the groom's family.¹¹ The latter expenses were called *tūyāna* and consisted mainly of gifts to the bride's family. The family of the groom paid also a bride-price called *qālīng*, which might include a sum of money as well as other goods such clothes and jewelry. While *mahr* is the default normative Islamic term for bride-price, our sources do not distinguish between Islamic and customary bride-price. We are therefore inclined to infer that, in Khivan bureaucratese, *qālīng* was perceived and used as a synonym for *mahr*.¹² However, while one would expect the dower to be paid directly to the bride and thus become her property,¹³ our sources show that *qālīng* was usually paid to her parents. Khorezmian *muftīs* opined that such payment should be regarded as temporary. In this way, the bride-price was given in deposit (*amānat*) to parents, but the wedded brides would

8 TsGARUz, I-125, op. 2, d. 633, ll. 1–10b.

9 *Mullās* and *imāms* usually needed the permission from an office-holder (more often than not a *qāzī*) to perform the marriage. See, for instance, *Katalog khivinskikh kaziiskikh dokumentov XIX–nachala XX vv.*, docs. 791, 842, 993, 1081, 1091, 1283.

10 N.P. Lobacheva, "K istorii slozheniia instituta svadebnoi obriadnosti (na primere kompleksov svadebnykh obychaev i obriadov narodov Srednei Azii i Kazakhstana)," in *Sem'ia i semeinye obriady u narodov Srednei Azii i Kazakhstana*, ed. G.P. Snesarev (Moscow: Nauka, 1978), p. 144. Lobacheva also suggests that among settled Uzbeks (including the population of Khorezm) it was common to deliver the customary bride-price prior to the engagement, *ibid.*, p. 173.

11 S.N. Abashin, "Kalyim i makhr v Srednei Azii: o "granitsakh" v sotsial'nykh otnosheniyakh," in *Chelovek i pravo. Kniga o letnei shkole po iuridicheskoi antropologii*, eds. N.I. Novikova and V.A. Tishkova (Moscow: Institut etnologii i antropologii RAN, 1999), pp. 155–161.

12 This supports the view expressed in Abashin, *Kalyim i makhr v Srednei Azii*, p. 159. *Shar'ia* courts' documents from Khorezm, instead, use only the term *mahr* to refer to bride-price. See *Katalog khivinskikh kaziiskikh dokumentov XIX–nachala XX vv.*, docs. 849, 871, 907, 933.

13 O. Spies, "Mahr", *The Encyclopaedia of Islam, second edition*, eds. P. Bearman et al. (Leiden: Brill, 1991), Vol. VI, pp. 78–80.

recover their property after the solemnization of the marriage.¹⁴ The following document recounts a conflict that sparked in the wake of an engagement: the groom's father failed to deliver the entire bride-price to the bride's family, who subsequently filed a claim with the royal court in Khiva. There the *yasāvulbāshī* issued a warrant and entrusted it to an attendant. The brief report drawn by the attendant on the verso side of the document indicates that the latter convened the parties and persuaded the groom's father to pay the remaining bride-price and commit to the defrayment of other wedding gifts. The note also suggests that the agreement was solemnised before a *qāzī* in the form a certificate of acknowledgment (*iqrār*) in the presence of two witnesses. One may infer that the certificate in question was, in fact, a marriage contract.¹⁵

Translation

Sa'adat Bika Muḥammad Ṣafāning qīzī, and Khāl Murād Khudāy Birgān ūghlī are engaged (*fātiḥa-khwānd itib*). While the [bride's parents] received 30 *tillā* as [part of] the customary bride-price (*qālīng pūlī*), the [groom] failed to pay the remaining sum as well as other liabilities concerning the wedding (*qālgaṇ tūyāna lavāzim*). He avoided providing explanations and four years have passed without his giving any notice. For this reason (*vajh*), [Muḥammad Ṣafā] filed a claim (*da'vā*) against [the groom's side]. Accordingly, let the parties come to the royal court (*dargāh-i 'ālī*) of our lord, may his rule last forever, together with Sulṭān Yūzbāshī Yasāvul and solve [the dispute] (*ṣāf būsūnlār*). The attendant's fee (*yasāvul ḥaqqī*) should not exceed more than 2 *tanga* for each parasang. This warrant (*khat*) was drawn up on Tuesday, 9 Shavvāl 1328 [13.10.1913].

Seal: Shaykh Naẓar Yasāvulbāshī b. Muḥammad Murād Divānbīgī

[Verso:] Sa'adat Bika Muḥammad Ṣafā b. Ya'qub Bāy qīzī, who belongs to the community (*qavm*) of Īsh Niyāz Bājbān in Manāq, went to Khāl Murād Khudāy Birgān b. 'Avaz Muḥammad ūghlī, who is a member of the same community.

14 *Katalog khivinskikh kaziiskikh dokumentov XIX–nachala XX vv*, doc. 1076. It should be noted that in the description of the legal opinion (*rivāyat*) the dowry is referred to as *kalym* (Rus. for 'qālīng'), while the term does not occur in the original text of the record. For another such legal opinion, see TsGARUz, f. I-125, op. 1, d. 495, l. 9.

15 See, for instance, *Katalog khivinskikh kaziiskikh dokumentov XIX–nachala XX vv*, doc. 205. There are several misinterpretations in the description of the document in question, where, for example, the term *ṣaghīr* is rendered as 'orphan' instead of 'minor'; see the original source in IVANRUz, Ashapberova Akliia, papka 3, unnumbered folio [5].

[The bride's party] received [the remaining part] of the customary bride-price (*qālīng mālī*) for organising the wedding ceremony (*tūy*). Khudāy Bīrgān said that he will deliver to Muḥammad Şafā new clothes together with other wedding gifts (*tūyānalār*). This [promissory note] was notarised (*iqrār yāzıldı*) in the presence (*shāhidları*) of the *yasāvul* and Gadāy Niyāz Bābā b. Ḥamīt Niyāz.

Document 3: A Rescript by the *yasāvulbāshī* about a Dispute over Landownership¹⁶

Introduction

A conflict over circa 2,8 ha of land sparked in Qosh-Kupruk, a locality on the left bank of the Ghaziabad canal.¹⁷ The *yasāvulbāshī* thus issued a warrant with which he appointed an attendant (*yasāvul*) and instructed him to escort the claimant to the disputed place. The warrant served also to instruct a *qāzī* to appoint a trustee (*amīn*) to examine the deeds available to the parties and divide the land accordingly. This and other documents show that, when parties to a dispute agreed on the procedures of conflict-resolution adopted by the royal court, the *qāzī*'s role in the settlement of disputes was confined to extrajudicial functions such as the appointment of trustees, the examination of corpses, etc. The record indicates that the achievement of an agreement between the parties took place also before a *qāzī* who joined the trustee. It could be that the presence of the jurist conferred additional legal force and authority upon the reconciliation. It could also be that, once reconciliation was achieved, the *qāzī* notarised a document solemnizing an amicable settlement (*ṣulḥ*) whereby the parties agreed to a number of stipulations determining the access to the property in question.

Translation

Let it be known to our *qāzī* 'askar-īshān,¹⁸ the transmitter of the prophetic law

16 TsGARUz, I-125, op. 2, d. 633, ll. 24–24 ob.

17 Ghaziabad (Gazavat) is the name of a fortified settlement in the lower reaches of the canal bearing the same name. Guliamov suggests that this fortification was erected in the mid-17th century, Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 202. According to Kuhn, in the second half of the 19th century the settlement included circa 50 shops and 3 mosques, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 46 ob. See also Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 613, note 648.

18 *qāzī* 'askar – (lit., 'military judge'). In the Khanate of Khiva *qāzī* 'askars were tasked with responsibilities expanding beyond disputes among the military. Records indicate clearly that they also heard misdemeanors among the wider populace, see *Katalog khivinskikh kaziiskikh dokumentov XIX – nachala XX vv.*, docs. 225, 311, 581, 718. Some authors also suggested that the office of *qāzī* 'askar coincided with that of the *qāzī* ūrda – a judge of the royal residence. Together with the *qāzī* kalān ('chief judge') the *qāzī* 'askar was regarded as the 'supreme judges over all judges of the khanate,' see A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. ll. 39–39 ob.; N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64 ob.; Bābājān Safarov, *Khvārazm ta'rikhi* (1864–1934),

(*muravvij-i sharīʿat-i nabavī*), that Sulṭān Murād from Qūshkūfrūk¹⁹ had a claim (*daʿvālī būlūb*) against ʿAbd al-Raḥīm Maḥram concerning [a plot of] land measured (*bar-kashīda*) $7\frac{1}{2}$ *ṭanāb*.²⁰ Since [Sulṭān Murād] has submitted a petition (*ʿarż*) [to the royal court], let a reliable trustee (*muʿtabar amīn*) join Ḥasan Yasāvul, who is the liegeman (*nawkar*) of Muḥammad Yūsuf Yasāvulbāshī. Let the trustee reach [the place], examine their documents, determine the boundaries of this disputed land according to *sharīʿa*, and delimit [their possessions]. Conveying the royal order (*amr-i ʿālilārī*) of our lord, may his rule last forever, [this warrant] was registered (*marqūm*) on 13 Shavvāl 1328 [17.10.1910].

Seal: Shaykh Naẓar Yasāvulbāshī b. Muḥammad Murād Dīvānbīgī

[Verso:] [The parties to the dispute agreed] to stay within the boundaries²¹ [of their own possessions]. This was notified [to the office of the *yasāvulbāshī*] by their trustee (*amīn*) Mullā Tājī, who was adjoined by the *qāẓī*, on 17 Shavvāl 1328 [21.10.1910].

MS Tashkent, IVANRUz, inv. no. 10231, fol. 13b. According to Bāltaev, the *qāẓī ʿaskar*'s office (*qāẓī-khāna*) was located within the madrasa of Muḥammad Amīn Khān in Khiva, ʿAbdullah Bāltaev, *Khīva ʿisdalīklārī*, MS Tashkent, IVANRUz, inv. no. 11645, fol. 28b.

19 Qosh-Kupruk – a locality on the bank of the Ghaziabad canal, 15 km north of Khiva, Munis and Agahī, *Firdaws al-iqbāl: History of Khorezm*, p. 594, n. 419; Gens, and Helmersen, *Izvestiia o Khīve, Bukhare, Kokande*, p. 24; Basiner, "Estestvenno-nauchnoe putesthestvie po Kirgizskoi stepi v Khivu," p. 348; Danilevskii, *Opisanie Khivinskogo khanstva*, p. 106.

20 The *ṭanāb* was a square measure in Central Asia. In 19th-century Khorezm, a *ṭanāb* consisted of 3600 *gaz*, or was equal to 0,37–0,39 *ha*, see P.P. Ivanov, *Arkhiv khivinskikh khanov XIX v.: Issledovanie i opisanie dokumentov s istoricheskim vvedeniem* (Leningrad: Izdanie gosudarstvennoi publichnoi biblioteki, 1940), p. 20, fn. 3; Bregel, *Khorezmskie turkmeny v XIX veke*, p. 354, fn. 106.

21 The expression *tūrdūq* ('we stayed') conveys here the parties' undertaking not to trespass beyond the boundaries of their respective properties.

Document 4: A Rescript by the *yasāvulbāshī* about A Marital Dispute²²

Introduction

A girl was promised in marriage to a man. The latter paid the customary bride-price to her family. The bride and the groom were then engaged. The marriage, however, did not take place. The groom filed a claim against the bride's father and another man with the royal court. The *yasāvulbāshī* subsequently instructed an attendant to solve the conflict. The parties reached an amicable agreement according to which the bride's father would pay back the bride-price to the groom, who, in exchange, relinquished his claim. This legal case is an insight into what we may term 'marriage-play.' A father agrees to wed his daughter and, for the engagement, he receives the customary bride-price. Should another would-be groom appear and offer a higher sum of money for the bride-price, the father will agree to wed his daughter to this second man instead. In such situations, parents usually take into consideration that they will have to face a lawsuit, pay back the entire bride-price to the first aspiring groom and perhaps even cover some other expenses. They will therefore agree to wed their daughters to a second man only if the latter offers a sum of money sufficient to cover possible losses and still represent a true economic advantage. It appears that in this case the first aspiring groom sued the bride's father together with the second would-be groom. As the respondents lost the case, the bride's father agreed to pay also for the second would-be groom and to act as his guarantor (*zar-kafīl*).²³ The stipulations of such agreements were notarised before a *qāzī* in a legal deed. The document clearly explains how the participation of the royal court's appointees in the dispute ensured and sanctioned the latter's settlement. Nothing in this records suggests that such negotiations were more in accordance with customary than Islamic law.

Translation

[A certain] Ibrāhīm paid the bride-price (*qālīng fūlī*), clothes and new [?]. While a betrothal was performed (*fātiḥa khwāndī*), Khadīcha Bika was not handed over in marriage (*nikāḥ ītib birmāgānlūr*). For this reason (*vajh*), he filed a claim (*da'vā*) against [a certain] Ūrāz Muḥammad and Ramažān. Let [the parties] come to the royal court (*dargāh-i 'ālī*) of our lord, may his rule last forever, together with Muḥammad Jān Yasāvul, who is the liegeman (*nawkar*) of Shaykh Nazar Yasāvulbāshī, and solve [the dispute] (*ṣāf būsūnlār*). The

22 TsGARUZ, I-125, op. 2, d. 633, ll. 30–30 ob.

23 On *zar-kafīl* (*kafīl-i zar*) see also, *Katalog khivinskikh kaziiskikh dokumentov XIX – nachala XX vv.*, p. 656.

attendant's fee (*yasāvul ḥaqqī*) is 4 *tanga* per parasang. The warrant (*khaṭ*) was completed on 23 Zī al-ḥijja 1328 [25.12.1910].

Seal: Muḥammad Yūsuf Yasāvulbāshī b. Avāz Niyāz Maḥram

[Verso:] On 7 Muḥarram Ibrāhīm b. Qāsīm received a promissory note (*almāqgha khaṭ*) for the return of 70 *ṭillā*, which relates to his claim (*daʿvā*) against Khadīcha Bika b. Ūrāz from Tāza Bāzār²⁴ for the money he had given to her according to *sharīʿa*. [In exchange], he gave a certificate of relinquishment (*ibrāʾ khaṭ*) and [the dispute] was solved (*ṣāf būlūb*). [The contract] stipulates that [Khadīcha Bika's] father, Ūrāz Muḥammad b. Ṭālib, who acts as guarantor (*zar-kafīl*), should pay the sum of money within one month. This notification (*khaṭ*) was registered in 1328.

²⁴ We have been unable to identify this locale.

Document 5: A Rescript by the *yasāvulbāshī* about a Dispute over Debts²⁵

Introduction

A certain Ūrāz Bāy owed 200 *ṭillā* to one Īsh Murād. They reached a preliminary agreement whereby Ūrāz Bāy had to pay Īsh Murād 30 *ṭillā* and entrust a horse to another man named Muḥammad Yūsuf. The animal was valued at 50 *ṭillā* and was to cover part of Ūrāz Bāy's debt. The creditor, however, did not count this payment as part of the debt. Consequently, Ūrāz Bāy decided to take legal action against both Īsh Murād and Muḥammad Yūsuf. He went to Khiva and filed a claim. An attendant escorted the claimant to meet the respondents. Muḥammad Yūsuf most probably denied that the payment of the horse was related to Ūrāz Bāy's debt with Īsh Murād. This lawsuit was therefore transferred to a *sharī'a* court. There, as Ūrāz Bāy was unable to produce evidence, Muḥammad Yūsuf, the respondent, took an oath and won the case. By contrast, the other claim concerning 30 *ṭillā* ended with a reconciliation sanctioned by the attendant. The document shows that, when the parties did not agree on a resolution of the conflict according to the stipulations proposed by the attendant, the latter could decide that the dispute would be adjudicated by a *qāẓī*.

Translation

Ūrāz Bāy from Māyli Jengel²⁶ owes 200 *ṭillā* [to a certain] Īsh Murād from the citadel (*qal'a*) of Khiva. [The debt has been] recorded (*khatlī*). [Ūrāz Bāy] entrusted to [a certain] Muḥammad Yūsuf from Māyli Jengel a horse that was valued at 50 *ṭillā*, as part of his debt (*qarāzgha birmākchī būlūb*). He also paid back 30 *ṭillā* [in cash] to the afore-mentioned Īsh Murād. [Nevertheless], the payments have not been counted [to cover the debt] and consequently [Ūrāz Bāy] is still liable for the [previously] recorded [*khatlī*] payment of 200 *ṭillā*. For this reason (*vajh*), [the latter] has filed a claim (*da'vā*) against these individuals. Accordingly, let them come to the royal court (*dargāh-i 'ālī*) together with Raḥman-Qulī Yasāvul, the liegeman (*nawkar*) of Bahādir Bāy Īshīk-Āqāsī,²⁷

25 TsGARUZ, I-125, op. 2, d. 633, ll. 53–53 ob.

26 For the location of this place, see Doc. 1.

27 The *īshīk-āqā* or *īshīk-āqhā* (lit. 'doorkeeper') was a courtier who guarded the entrance to the khan's audience-hall. According to different accounts, there were two of them in the Khivan royal palace. Their duties amounted mostly to staying at the entrance of the audience-hall (*'arż-khāna*) during the ceremonies when the khan heard grievances, see Bābājān Safarov, *Khwārazm ta'rikhī* (1864–1934), MS Tashkent, IVANRUZ, inv. no. 10231, fol. 15b; A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 42ob.

and solve [the dispute] (*şāflāshsūnlār*). The attendant's fee (*yasāvul haqqı*) is 4 *tanga* per parasang. Conveying the royal order (*amr-i ālilārı*) of our lord, may his rule last forever, this warrant (*khat*) was written on 17 Zı al-ḥijja 1328 [19.12.1910].

Seal: Shaykh Nazar Yasāvulbāshi b. Muḥammad Murād Dīvānbīgı

[Verso:] This claim (*da'vā*) was transferred to a *qāzı* (*sharīatgha qūshulūb*). With regard to the horse valued at 50 *ṭillā*, Muḥammad Yūsuf took an oath (*ānt*). The claim against the afore-mentioned İsh Murād concerning 30 *ṭillā* was solved (*şaf bülūb*) without a hearing according to Islamic law (*sharīatdā ishıtlmāy*). [The resolution] was notarised (*khatlāshūb*). [The royal court] was informed on 22 Zı al-ḥijja 1328 [24.12.1910].

Document 6: A Rescript by the *yasāvulbāshī* about a Dispute over an Ancestral Undivided Property²⁸

Introduction

Four brothers purchased a plot of land as an ancestral undivided property. Later three of them sought to divide the land amongst themselves thereby excluding their brother named Khudāyār. Accordingly, the latter filed a claim with the royal court, which appointed an attendant and issued a warrant. A certain mullah acted in the capacity of mediator and achieved an extra-judicial reconciliation. The parties agreed that Khudāyār would receive his share. The attendant sanctioned the outcome of the dispute. It is worth nothing that the attendant assisting the plaintiff was not the person who was appointed by the royal court. It is unclear what might have prompted this change. No more clear is the reason behind the mullah's participation in the resolution of the conflict. Was he someone known to the parties? At any rate, it seems that, without the sanction of the state, the mediation of the mullah alone would not have been enough to negotiate the case. Instead, it was only by filing a lawsuit with the royal court and subsequently involving an attendant that the claimant could compel the respondents to reach an agreement on the land.

Translation

Khudāyār acquired in partnership (*sharīk būlūb*) [with his brothers] 5 *ṭanāb* land. [Now the brothers] intend to divide this plot of land among each other without reimbursing what was due to him. For this reason (*vajh*), [Khudāyār] filed a claim (*da'vā*) against his brothers, Iskandar, 'Abdullāh, and Mavlām Birdī. Let them come to the royal court (*dargāh-i 'ālī*) of our lord, may his rule last forever, together with the *dahlīz maḥramī*²⁹ Muḥammad Raḥīm Yasāvul, and solve [the dispute] (*ṣāf būlsūnlār*). The attendant's fee (*yasāvul ḥaqqī*) is 2 *tanga* per parasang. This warrant (*khaṭ*) was registered on 7 Shavvāl 1328 [11.10.1910].

28 TsGARUz, I-125, op. 2, d. 633, l. 61–61 ob.

29 The *maḥram* (lit. 'confidant') was a chamberlain, an individual close to the Khivan khans, who was also endowed with the right to access dynasts' private chambers (*haram*). *Dahlīz maḥramī* (lit. 'threshold's confidant') was evidently a chamberlain who served at the royal court, but who could not access the khan's private apartments. On *maḥrams*, see A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremenogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 42 ob.

Seal: Muḥammad Yūsuf Yasāvulbāshī b. Avaž Niyāz Maḥram

[Verso:] [A certain] Mullā Khudāyār from Shīrshālī³⁰ solved the claim (*daʿvā*) of Khudāyār from Ḥāfiq³¹ on the spot (*daʿvāsī ilātīdā yarāshīb*). So the conflict was solved and the plot of land [that was due to Khudāyār] will remain at his disposal. [The plaintiff] together with his attendant ʿAbdullāh Īshik-Āqāsī came [to the royal court] and informed [us about this].

30 There were different places in the Khanate of Khiva known under the name of Shīrshālī (Sirshālī, Sirchali). The best known among them was a settlement at the outskirts of Khiva located on the bank of the channel of the same name, see ʿAbdullāh Bāltāev, *Khīva īsdalīklārī*, MS Tashkent, IVANRUz, inv. no. 11645, fol. 78a; Gens, and Helmersen, *Izvestiia o Khive, Bukhare, Kokande*, p. 25. Also, the 19th-century accounts often mentioned the settlement with a similar name in the vicinity of Hazarasp, see Īsh Murād ʿAlavī, *Taʾrikhcha-yi Muḥammad Yaʿqūb Khwāja*, MS Tashkent, IVANRUz, inv. no. 845, fol. 3a; Gens, and Helmersen, *Izvestiia o Khive, Bukhare, Kokande*, p. 25.

31 We have been unable to identify this locale.

Document 7: A Rescript by the *yasāvulbāshī* Instructing an Attendant to Investigate the Circumstances of a Dispute³²

Introduction

The following document shows the system of conflict resolution in Khorezm in all its bureaucratic complexity. A dispute involved parties living between the different administrative jurisdictions³³ of Qonghrat and Urgench. Qonghrat was a town situated on the lower delta of the Amu Darya, while Urgench was at the center of the oasis and thus relatively closer to Khiva. The claim must have been filed first with the governor of Urgench, who subsequently wrote to his opposite number in Qonghrat with the request to investigate the circumstances of the dispute. The governor in Qonghrat then wrote back to the official in Urgench. The latter was expected to summon the parties and hear the case. At that point, either the governor himself or the plaintiffs must have decided to resort directly to the royal court in Khiva to make sure that the central power would activate its chain of justice and solve the conflict. The royal court thus issued the following warrant where it informs a group of notables about the appointment of an attendant. The latter would gather all the information relevant to the dispute and get hold of the letter that the governor of Qonghrat had written to the one in Urgench. The royal court evidently expected the local level of the administration to entrust the plaintiffs to the attendant who would then escort them to Khiva where they will be heard.

Translation

Let it be known to Ātājān Āqsaqāl, Ūrāz, and another Ātājān that we sent *dahlīz mahramī* ‘Ālim³⁴ Bāy Yūzbāshī to investigate the circumstances (*aṣl vāqī’alārī taḥqīqlāb sūrāshilmāq*) of the claim (*da’vā*) of Muḥammad Ṣafā, Khudāy Birgān, and Īrsgul Bīka. [The attendant should] also collect a letter (*khaṭ*) regarding this claim, which the governor (*ḥākīm*) of Qūngrāt³⁵ sent to the governor of

32 TsGARUz, I-125, op. 2, d. 633, l. 83.

33 For similar case, see below Doc. 46.

34 ‘Ālim in the original version of the text.

35 In the early 20th century Qonghrat was relatively a small town consisting of 68 households, see [Girshfel'd and Galkin], *Voenno-statisticheskoe opisanie Khivinskogo oazisa, pt. II*, pp. 132–133; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 602, n. 504. Lykoshin visited Qonghrat in the 1912 and noted the presence of a large bazaar where the residents of the khanate exchanged goods with ‘the nomads inhabiting the neighbouring Russian territories and with the Khivan Turkmens and the Qazaqs who travelled westwards,’ N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 35.

Urgench.³⁶ Now that we have examined this letter, let the above-mentioned individuals come together with the above-mentioned attendant (*yasāvul*) to the royal court (*dargāh-i ʿālī*) and explain the circumstances of the case (*bayān-i vāqīʿa*). Conveying the royal order (*amr-i ʿālilārī*) of our lord, may his rule last forever, this warrant (*khaṭ*) was written on 17 Shavvāl 1328 [21.10. 1910].

Seal: Shaykh Naẓar Yasāvulbāshī b. Muḥammad Murād Dīvānbīgī, 1328.

[Verso:] 22 Shavvāl [1328]. The circumstances [of the case outlined in this] warrant were also recorded in the rescript [entrusted to the] attendant (*yasāvullī patak*).

36 Urgench (New Urgench) at the beginning of the 20 century was a major urban center and a commercial hub of the Khanate of Khiva. In the year 1873 Kuhn wrote that the city was the major market of the khanate. See his *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 49. According to the data gathered by the Russian colonial administration in 1909, the city was a commercial and industrial center of the polity, with several major markets, storages of Khivan and Russian merchants, 4 cotton industries and various offices for transportations. See [Glushanovskii], *Diplomaticheskomu Chinovniku pri Turkestanskom General-Gubernatore*, 20.02.1909, TsGARUz, I-2, op. 1, d. 253, l. 7–7ob.

Document 8: A Rescript by the *yasāvulbāshī* about a Dispute over a Contested Inheritance³⁷

Introduction

This case involves the right to pre-emptive purchase of property. A man passed away leaving a courtyard and some land to his heirs. When these possessions were put on sale in order to settle a debt, a son-in-law offered a sum of money to the heirs to acquire the entire property. It was at this moment when a third party defending the interests of the family advised the heirs to refuse the offer. The son-in-law filed the claim with the royal court, which subsequently issued a warrant appointing an attendant to oversee the case. The latter brought the parties to Khiva where they were reconciled in the presence of high officials, such as the *mihtar* and the chief judge (*qāzī kalān*) and others. We know from a source dating to the beginning of the early 20th century that the high-ranking officials³⁸ of the khanate who operated in Khiva always heard the appeals to the royal court every time that the ruler was absent.³⁹ In this case it was agreed that the plaintiff would purchase the possessions of the departed for a larger sum of money than he had earlier proposed. He thus entrusted the money to the heirs before the high-rank officials. In addition, the chief judge wrote a rescript (*fatak*) asking the judge in Hazarasp to notarize the contract of sale. This would suggest that the parties lived under the Hazarasp judge's jurisdiction. We observe here again how parties did not bring their cases to the closer legal authority, but instead resorted to central power to activate the khalal chain of justice.

Translation

Let it be known that Īsh Niyāz who was the father-in-law of Muḥammad Ya'qūb from Sirshālī⁴⁰ died and left approximately three and half *ṭanāb* of land and a house (*ḥavli*). When [these possessions] were put on sale to cover the debts (*qarḏ*) of the deceased, [Muḥammad Ya'qūb] offered more than 200 *ṭillā* to purchase [the property]. [A certain Muḥammad Raḥīm] refused [the offer] and thereby made the heirs of the deceased (*mutavaffā vāriṣlārī*) unhappy (*nā-rizā*

37 TsGARUZ, I-125, op. 2, d. 633, l. 114.

38 See N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUZ, f. I-2, op. 1, d. 314, ll. 15–16ob.; Bābājān Safarov, *Khvārazm ta'rikhī (1864–1934)*, MS Tashkent, IVANRUZ, inv. no. 10231; Bobojon Tarroh-Khodim, *Khorazm shoir va navozandalari*, eds. Anbara Otamurodova, and Ollanazar Abdurahimov (Tashkent: Tafakkur qanoti, 2011), p. 30.

39 See Hasan-Murād Laffāsī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUZ, inv. no. 7797, fols. 8b, 17b, 64a, 84a.

40 On this locality see the footnote to Doc. 6.

itqān). For this reason (*vajh*), [Muḥammad Ya'qūb] has a claim (*da'vā*) against Muḥammad Raḥīm. Let them come to the royal court (*dargāh-i 'ālī*) of our lord, may his rule last forever, together with Khwāja Niyāz Dahabāshī Yasāvul, who is the liegeman (*nawkar*) of [Muḥammad Ya'qūb] Yasāvulbāshī and solve [the dispute] (*ṣāf būlsūn*). The attendant's fee (*yasāvul haqqi*)⁴¹ should not exceed 2 *tanga* per parasang. This warrant (*khaṭ*) was written on 13 Zī al-qa'da 1336 [20.08. 1918].

Seal: Muḥammad Ya'qūb Yasāvulbāshī b. Muḥammad Yūsuf Yasāvulbāshī

[Verso:] [The afore-mentioned] Muḥammad Ya'qūb bought the land and the house for 1500 *ṭilla* at the presence of the *mihtar*⁴²-*āqā*⁴³ and other notables (*kattalār*). The chief judge (*qāzī kalān-īshān*) issued a warrant (*fatak*) [prescribing] the *qāzī*⁴⁴ of Hazārāsb to notarize [the settlement]. [This occurred on] 19 Zī al-qa'da⁴⁵ 1336 [26.08. 1918].

41 In the original text of the record the expression *yasāvul haqq* is most probably a scribal error.

42 The *mihtar* (Pers. 'the highest') represented one of the highest ranks in the Khivan administration under the Qonghrats, see Bābājān Safarov, *Khvārazm ta'rikhi* (1864–1934), MS Tashkent, IVANRUz, inv. no. 1023, fol. 14b; Yu. Bregel, "The Sarts in the Khanate of Khiva," *Journal of Asian History* 12.2 (1978), pp. 129–135; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 560–561, note 251.

43 According to Kuhn, the *āqā/āghā* was one of the highest ranks at the court of the Qonghrats. This title was usually given to the members of the Sart elite of the khanate. *Āqās* attended the khan's receptions during official events; see *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 36a–36b, 39. See also Bregel, "The Sarts in the Khanate of Khiva," p. 129; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 560, note 252. Documents originating from the second decade of the 20th century show that *āqā* could also be used as an honorific title, like in the following cases: *mīrzābāshī-āqā* (TsGARUz, I-125, op. 2, d. 39, l. 13); *dīvānbigī-āqā* (ibid., d. 41, ll. 2, 4); *maḥkamabāshī-āqā* (ibid., f. 6); *ḥākim-āqā* [see below, Doc. 13].

44 In the original the term *qāzī* is given in the plural form just as an honorific.

45 In the original text of the record, *Zī al-qa'dā*.

Document 9: A Rescript by the *yasāvulbāshī* about a Dispute over Landownership⁴⁶

Introduction

Two people sold a plot of land to a third man. Some time later, the sellers took legal action against the purchaser in order to recover their property. A *sharī'a* court found that their claim was unsound. The plaintiffs disregarded the legal force of the latter ruling and thus continued to lodge lawsuits on the same case. As the plaintiffs did not allow the respondent to enjoy his rights on the plot of land now in his possession, the latter filed a claim against the former with the royal court in Khiva. The *yasāvulbāshī* issued a warrant instructing an attendant to deal with the case and settle the conflict. Most probably on account of his inability to reconcile the parties on the spot, the attendant transferred the case to a court presided over by a *qāzī*. We do not know whether the parties could produce testimony or written probative evidence. The document only tells us that the *qāzī* must have thought that the case was somewhat complex and thus required that each party produce a legal opinion (*mas'ala*) issued by a jurist. Only the plaintiff did so, and he therefore won the case. We can safely assume that with the sanction of the attendant, this ruling would be enforced.

Translation

[A certain Iskandar and Āykhānīm Bika] sold to Qilich Niyāz from Bish-Ārīq⁴⁷ 7 *tanāb* of land for 1000 *ṭillā*. After that [Iskandar and Āykhānīm Bika] regretted their action and claimed [the property back] (*da'vālāshīb*). According to *sharī'a* [their] claim (*da'vā*) was found wrong (*nā-durust*). [However,] they repeated the claim. For this reason, [Qilich Niyāz] has a claim against Iskandar and Āykhānīm Bika. Let them come to the royal court (*dargāh-i 'ālī*) of our lord, may his rule last forever, together with Jān Bik Sarhang Yasāvul, who is the liegeman (*nawkar*) of [Muḥammad Ya'qūb] Yasāvulbāshī, and solve [the dispute] (*ṣāf būsūnlār*). The attendant's fee (*yasāvul ḥaqqī*)⁴⁸ is 2 *tanga* per parasang. This rescript (*khat*) was written on 7 Rabī' al-ṣānī 1336 [19.01.1918].

46 TsGARUZ, I-125, op. 2, d. 633, ll. 130–1300b.

47 Besh-Ariq (Bish-Ārīq) is a locality in the western environs of Hazarasp, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 573, note 322.

48 In the original text of the record the expression *yasāvul ḥaqq* is most probably a scribal error.

Seal: Muḥammad Ya‘qūb Yasāvulbāshī b. Muḥammad Yūsuf Yasāvulbāshī.

[Verso:] The claim (*da‘vā*) of the afore-mentioned Qilich Niyāz was transferred to a *qāzī* (*sharī‘atgha*⁴⁹ *qūshūlūb*). [The plaintiff] brought a legal opinion (*mas‘ala ālīb*) and [the court] issued a judgment (*ḥukm khaṭ*) according to which the land belongs to the plaintiff, while the defendants’ claim is wrong (*mudda‘ā alayhlārni da‘vāsī nā-durust*). [This was recorded] on 8 Rabī‘ al-ṣānī 1336 [20.01.1918].

49 *Sharāyitgha* in the original text of the record.

Document 10: A Rescript by the *yasāvulbāshī* about a Dispute over Landownership⁵⁰

Introduction

In the hope of seizing another person's property, two individuals forged a legal deed. The aggrieved property-owner appealed to the royal court in Khiva. An attendant received instructions to deal with the conflict. Accordingly, he summoned the parties to a mosque community,⁵¹ but he was unable to find a compromise that would suit them. He therefore proceeded to transfer the case to a *qāzī* who found that the initial claim was void. The jurist, however, opted not to issue a judgment in favour of the defendant and instead persuaded the parties to reach an amicable settlement, which he notarised in the form of a certificate of relinquishment. This case illustrates that judges could, in principle, initiate the settlement of a conflict at court by notarizing a certificate of relinquishment (*ibrāʾ*). Amicable settlements did not always require the intervention of a third party,⁵² nor were they achieved outside of court alone. Judges would encourage the parties to reconcile, not only to avoid litigation, but also to mitigate the latter's outcome. From this perspective, the *qāzī*'s course of action was in agreement with the culture of reconciliation that manifests itself in the activity of the royal court.

Translation

Qurbān Niyāz and Khudāy Birgān produced a deed (*khaṭ chīqārīb*) and filed a groundless claim (*bī vajh daʿvā ītib*) against Jumʿa Niyāz from Rūzīm Būy for 5 *tanāb* of land. [The respondent's rights on the plot of land are attested by] a legal deed (*khaṭlī*). On these grounds (*vajh*), [Jumʿa Niyāz] has now a claim (*daʿvā*) against [them]. Let them come to the royal court (*dargāh-i ʿālī*) of our lord, may his rule last forever, together with Maḥramkhānachī Muḥammad

50 TsGARUZ, I-125, op. 2, d. 633, ll. 190–190ob.

51 Under the rule of the Qonghrats the expression *masjid qavmī* ('mosque community') or simply *masjid* referred to the lowest administrative subdivision of the khanate. This could be a group of households (from five to dozens) or a parish of a particular mosque under the fiscal authority of an *imām* or *āqsaqāl*. One village or settlement could consist of one or several mosque communities. The expression *masjid qavmī* was of course used in the sense of an administrative unit among the sedentary population, while nomadic groups were subjected to different principles of tribal subdivision. See further on *masjid qavmī*, Bregel, *Khorezmskie turkmeny v XIX veke*, pp. 343–4; on the terminology regarding the tribal subdivision of Turkmens, see below fn. 427.

52 On the involvement of third parties in the resolution of conflicts in Central Asian *sharʿa* courts, see P. Sartori, "The Evolution of Third-Party Mediation in *Sharʿa* Courts in 19th- and Early 20th-Century Central Asia," *Journal of the Economic and Social History of the Orient* 54.3 (2011), pp. 311–352.

Rizā Yasāvul, [and] resolve [the dispute] (*ṣāf būsūnlār*). The attendant's fee (*yasāvul haqqī*) is 2 *tanga* per parasang. This warrant (*khaṭ*) was written on 24 Rabīʿ al-avval 1335 [07.01.1917].

Seal: Muḥammad Yūsuf Yasāvulbāshī b. ʿAvāz Niyāz Maḥram

[Verso:] [The attendant summoned the parties in] the Bāltāq Mīrāb mosque (*masjid*). [There] the plaintiff (*muddaʿī*) Jumʿa Niyāz from Rūzīm Būy, together with his fellow community (*qavm*) members, Khudāy Birgān, Qurbān Niyāz b. Īsh-Murād, were ordered [to bring their case] before a *qāzī* (*sharīʿatgha būyūrūlūb*). Their litigation (*murāfaʿa*) then took place before the *qāzī ʿaskar-īshān*. [The latter ruled that] the 5 *tanāb* of land belong to Jumʿa Niyāz, while the defendants' claim (*muddaʿi ʿalayhlārnī daʿvālārī*) was found void (*fāsīd*). [The judge] notarised a certificate of relinquishment and reconciled [the parties] (*ibrāʾlāshīb ṣāflāshdīlār*). [This was recorded] on 29 Rabīʿ al-avval 1335 [22.01.1917].

Document 11: A Rescript by the *yasāvulbāshī* about a Case of Murder⁵³

Introduction

A corpse was found lying on the shores of the Charkas lake. The leaders of a local community reported to the royal court about this apparent case of homicide. The office of the *yasāvulbāshī* issued a warrant instructing a *qāzī* to appoint a bailiff and request him to join an attendant dispatched by the royal court to examine the corpse and establish the circumstances of the death. The bailiff and the attendant reached the locality where the body was found and, in the presence of the representatives of the local community, examined the corpse and collected the available circumstantial evidence about the dead person. They then allowed the performance of the burial. Upon their return to Khiva, they informed the royal court that a local informant confirmed that the departed died a natural death and that his family did not intend to file any claims.

Translation

Let it be known to [our] *qāzī-īshān*, the symbol of *sharīʿa*, token of devotion, that Rūz Muḥammad Āqsaqāl and Jumʿa Niyāz from Gandūmkān⁵⁴ reported (*ʿarż*) [to the royal court] that [someone] killed an unidentified young mullah and his corpse lies on the shore of Charkas lake,⁵⁵ which belongs to a charitable endowment (*vaqf*) [established for the benefit] of a mosque. For this reason, let a trustworthy person (*muʿtabar ādam*) join Qalandar Dahabāshī,⁵⁶ who is the liegeman (*nawkar*) of [Muḥammad Yaʿqūb] Yasāvulbāshī, and let them together reach [the locality], examine the body of the abovementioned deceased with the afore-mentioned *āqsaqāl-kadkhudās* and with particular care establish the causes of [his] death. [After that,] let them allow the burial (*dafn*) [of the corpse] and draft a report (*khaṭ ītib*). Let them then come to the royal court (*darbār-i ʿālī*) and report about the event. Conveying the royal order (*amr-i ʿālilārī*) of our lord, may his rule last forever, this warrant (*khaṭ*) was written on 17 Shaʿbān 1328 [26.05.1918].

53 TsGARUZ, I-125, op. 2, d. 656, l. 35–35ob.

54 Gandumkan is a settlement located 2 km. east of Khiva, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 559, note 247; Danilevskii, *Opisanie Khivinskogo khanstva*, p. 115. It is famous for the treaty between the Qonghrats and the Russians signed in August 1873.

55 We have been unable to identify this locale.

56 On *dahabāshī* see above, fn. 176.

Seal: Muḥammad Ya‘qūb Yasāvulbāshī b. Muḥammad Yūsuf Yasāvulbāshī.

[Verso:] Muḥammad Sharīf Khwāja, the bailiff (*ādam*) of the *qaḏī-īshān* and Qalandar Dahabāshī examined the afore-mentioned corpse (*ūlūk*). [They found] that he was [a certain] Bābā Jān, the grandson of Ṭāhir Qazāq. [A certain] Šābir Bāy, who is a kinsman [of the deceased], stated that the afore-mentioned Bābā Jān was somewhat absent-minded (*khayālatlīrāq*) and must have died of natural death. Wounds were not visible (*jarāhat*⁵⁷ *yūq īrkān*). [Šābir Bāy] said that [the family] has not any claim (*da‘vāmīz yūq*). [This was recorded] on 18 Sha‘bān 1336 [28.05.1918].

57 See *jarḥ* in A. Layish, *Sharī‘a and Custom in Libyan Tribal Society*, p. 292.

Reports

Document 12: A Report by *qāzīs* to the *yasāvulbāshī* about a Marital Dispute⁵⁸

Introduction

A man appealed to the *yasāvulbāshī* on account of his wife having left the conjugal dwelling. In filing his claim with the royal court, the man took legal action against his father-in-law as the latter did not allow him to recover his wife. The appellant therefore asked for someone to be appointed as attendant (*yasāvul*) who would oversee the case. We do not know whether the *yasāvulbāshī* appointed an attendant. However, hearsay about this claim filed with the royal court must have reached the respondent, as he decided to take legal action against the claimant. Indeed, the respondent appealed to the royal court and he too requested a *yasāvul*. It is important to note that the report emphasizes that the parties requested a specific individual to be appointed to act in the capacity of attendant. They must have done so in hope that their ties to the royal court would prove instrumental to reach an advantageous solution of the case. Be that as it may, the royal court appointed the attendant requested by the respondent. Given that the latter filed what we may term a ‘counterclaim,’ the attendant was joined also by two *qāzīs*. He then notified the *yasāvulbāshī* about the settlement of the dispute. The royal court was less interested in the procedures according to which the settlement was achieved before the *qāzīs* than in the fact that the parties reached a satisfaction of some sort. An additional indicator of the fact that the royal court was not concerned with the trivia of dispute settlement is the absence in the text of any information that could shed light on the stipulations of the settlement. In speaking of which, it should be noted also that the *qāzīs* did not mention the notarization of any contract of relinquishment nor any deed of settlement. This would suggest that, at least in this case, the parties did not regard written attestation as particularly important for their purposes. It is also worth dwelling on the intentions of the respondent who too appealed to the royal court. One wonders why he felt pressed to secure the involvement of an attendant from Khiva. One possible explanation is that he wanted to publicize his and his daughter’s dissatisfaction with the claimant’s behavior and therefore to confer on his arguments the attributes of a sound accusation. Involving a *yasāvul* would thus

⁵⁸ TsGARUz, f. I-125, op. 1, d. 498, l. 14

be an instrument to affirm his own entitlements and let the larger community know that his daughter was right in leaving the conjugal dwelling.

Translation

Let the *yasāvulbāshī*, the refuge of happiness (*sa'adat-panāh*) and repository of power (*ḥukūmat-dastgāh*), his serene highness (*janāb-i 'ālilārī*), our lord (*āqāmīz*), know our sincere supplication. [A certain] Qurbān Bāy from Būmīrī⁵⁹ appealed (*'arż ītib*) [to the royal court]. He requested the appointment of Muḥammad Yūsuf Kākīl Bī, the liegeman (*nawkar*) of Muḥammad Yūsuf Yasāvulbāshī, our lord, to the office of attendant (*yasāvul*) because [he claimed that] his father-in-law Khudāy Birgān is forcibly detaining (*zūrlīq qīlib*) his wife (*nikāḥlī khātūnim*) Aržīgul Bika and does not allow her to come back. Khudāy Birgān too appealed (*'arż*) [to the royal court] and requested Muḥammad 'Ālīm Bāy Yūzbāshī [to act in capacity of an attendant. The latter] was appointed to act in the capacity of attendant (*yasāvul*) [to deal with the case of] Muḥammad Jān, Birdī Murād, Qurbān Bāy, and Khāl Jān Bika who were all satisfied (*rāzīliqgha kīlishdīlār*) [with the settlement]. Since the aforementioned individuals are all poor people and thus unable [to travel to Khiva] (*'ājiz va bīchāra*) in order [to notify the outcome of the dispute], we sent [this rescript] to your office. This letter (*khaṭ*) was written on 8 Shavvāl.⁶⁰ It is you who decides (*ṣāḥib ikhtiyār ūzlārī turūr*).

Seals: Qāzi va ra'is Dāmullā 'Abd al-Allāh
Qāzi va ra'is Dāmullā Allāh Birgān

⁵⁹ We have been unable to identify this locale.

⁶⁰ Year is missing.

Document 13: A Report by a Provincial Governor to the *yasāvlbāshī* about a Dispute over Custody⁶¹

Introduction

This document reflects the resolution of a conflict over custody (*amānat*). One Muḥammad Yūsuf gave some money to a certain Muḥammad Ya'qūb Bāy. When the latter refused to return the money, Muḥammad Yūsuf appealed to the governor (*hākim*) of Tashhawz. The governor and the leaders of the local communities attempted to settle the dispute. However, their attempt proved helpful only in part, for the respondent returned half of the sum. Consequently, the plaintiff decided to bring his grievance to the royal court. The *yasāvlbāshī* instructed Bahādir Maḥram Yūzbāshī, the governor of Tashhawz to hold an inquest and pursue a reconciliation. He also stipulated that, had the plaintiff indeed entrusted the said amount of money to the respondent, the governor should return the possessions to the plaintiff. When the governor summoned the parties and questioned them, the respondent denied the claim. The governor, therefore, transferred the case to the *qāzīs*. The latter would usually follow the procedure of adjudication which requires the counterclaimant to produce testimony. If the counterclaimant failed to do so, the claimant would be put under oath (*ānt*). If the latter refused to swear an oath, the *qāzīs* would put the counterclaimant under oath. The report explains that local tribal chiefs (*biylār*) and the representatives of the urban population acted in the capacity of mediators and persuaded the defendant to return the rest of the money in order to avoid the onus of the oath. They did so to prevent a direct confrontation and ensure that the parties would still be in a position to negotiate their entitlements. When the sum of money was delivered, the *qāzīs* notarised a certificate of relinquishment (*ibrāʿ*).

Translation

Let it be known to the office of the *yasāvlbāshī*, the noble vizier (*vazīr al-karām*), our lord, that when Muḥammad Yūsuf from Tashhawz appealed [to the royal court], he stated that he left his 1100 *manāt*⁶² in custody (*amānat*)⁶³ to Muḥammad Ya'qūb Bāy from Qūngrāt. [When the former] asked [the latter to return the sum, Muḥammad Ya'qūb Bāy] did not give [anything] and denied [the request]. In the wake of the involvement of the governor (*hākim-āqā*) and the community elders (*kadkhudās*), [the respondent]

61 TsGARUz, f. I-125, op. 1, d. 498, ll. 16–160b.

62 On *manāt*, see fn. 226 of the Introduction to this book.

63 On 'custody' (*amānat*), see *Katalog khivinskikh kaziiskikh dokumentov XIX–nachala XX vv.*, p. 649.

returned to the claimant only 550 *manats*, but he refused to pay the rest. Therefore, you instructed (*mihribān būlghān*) me to clarify whether it is true that Muḥammad Ya'qūb returned only half of the 1100 *manāt* which he was entrusted to and, in such a case, to secure the remainder of the money from him and let the parties reach a satisfactory settlement (*riḡālashtürsün*). As I investigated the case, Muḥammad Yūsuf [argued] that he had given 1100 *manāts* to Muḥammad Ya'qūb, who refused to return [the money]. Muḥammad Ya'qūb denied (*munkir*) the claim (*da'vā*) stating that he was never entrusted the money. I thus involved the *qāzī-īshāns*. Meanwhile, the tribal elders (*biylār*) and the representatives of the urban population (*qal'a kāsiblarī*) agreed not to place the parties under oath (*ānt*). [Instead] they made Muḥammad Ya'qūb pay 550 *manāt* to Muḥammad Yūsuf and a certificate of relinquishment (*ibrā'*) was drafted before the *qāzī-īshāns*. This is what we had to report to you. Whatever is your decision, you know best. This report (*'arīza*) was compiled on 4 Rabī' al-ṣānī 1335 [27.01.1917].

Seal: Bahādir Maḥram Yüzbaşī

Document 14: A Report by a Provincial Governor to the *yasāvulbāshī* about a Dispute over a Dowry⁶⁴

Introduction

This record refers to a case of a failed payment of bride price. In the wake of a betrothal consisting of the reading of the *fātiḥa*, the groom had to pay the bride price (*qālīng māl/pulī*) to the bride's father and fulfill the liabilities (*lavāzim*) to celebrate the wedding (*tūy*). As the groom failed to do so, the bride's father appealed to the royal court. An attendant (*yasāvul*) was instructed to solve the case. The resolution of the conflict involved an element of publicity, which is referred to in the text by mentioning the presence of the representatives of the local community (*il āqsaqāl va katkhudālārī*). The involvement of the judiciary is not mentioned.

Translation

Let it be known to the *yasāvulbāshī*, banner of glory (*‘izzat-nishān*), our lord, that a certain Atā Bāy from Qirq-Yaf⁶⁵ appealed (*‘arż*) to your office [and complained against] a certain Bik-Jān to whom he betrothed [his daughter] (*fātiḥa itūb*). [Bik-Jān] paid Atā Bāy [only] 130 *manāts* thereby failing to deliver the rest of his wedding dues (*lavāzim*); [nonetheless] Bik-Jān intended to marry (*nikāḥ*) Atā Bāy's daughter. Accordingly, an attendant (*yasāvul*) was sent [to make an investigation]. As a result, in agreement (*ittifāq*) with the *āqsaqāls-kadkhudās* of the community (*il*) [Bik-Jān] paid in full the remaining part of the bride price and the wedding liabilities (*qālghān qālīngīnī va tūy lavāzīmīlārīn*), while [Atā Bāy] agreed of his own will to celebrate the wedding (*tūy itūb*). [The parties] were satisfied (*rizālashtūrūldī*) [with the settlement] before me (*mūndā*). This report (*khaṭ*) was compiled to inform you about this [event] on 24 Šafar 1334 [30.12.1915].

Seal: Muḥammad Ya‘qūb b. [Jabbār Qulī Maḥram]

64 TsGARUz, f. I-125, op. 1, d. 498, l. 21.

65 Qirq-Yaf (or Qirq-Yab) was a settlement in the province of Hazarasp. By the mid 19th century Qirq-Yaf consisted of 150 households, see Gens, and Helmersen, *Izvestiia o Khive, Bukhare, Kokande*, p. 25. Bāltāev, named this settlement in his list of the early 20th century Khivan locales, ‘Abdullah Bāltāev, *Khīva isdaliklārī*, MS Tashkent, IVANRUz, inv. no. 11645, fol. 79a.

Document 15: A Report by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery⁶⁶

Introduction

A certain ‘Abd al-Šamad Khwāja, from Tama,⁶⁷ filed a complaint with the royal court against three men for a case of robbery. The *yasāvulbāshī* instructed the local governor, Muḥammad Yūsuf Bāy b. Pahlavān Maḥram, to make an inquest. The latter summoned a public hearing with the help of local notables. On that occasion, an *āqsaqāl* from Naymān provided some useful information: the defendants had committed another crime in a neighbouring locale. This hearsay prompted the elders of Tama to take the defendants before the community of the locale where the previous crime had been perpetrated. While attending the hearing, the governor also found out about the presence of a man implicated with another conflict, which had been reported to the royal court and who was now with guarantors. This report is instructive as it shows that governors could decide not to interfere with the course of actions taken by the *kadkhudās* and *āqsaqāls*. By so doing, the governor effectively gave the *kadkhudās* and *āqsaqāls* free hand to collect facts relevant to the case and information on the *fama* of the defendants.

Translation

Let it be known to the *yasāvulbāshī*, banner of glory, our lord, that, in accordance with your instruction (*mihribān būlghān*) to report about the circumstances of the claim lodged by ‘Abd al-Šamad Khwāja from Tama against his respondents (*da’vāgarlār*) named Ṭam’a Pahlavān, Muḥammad Sharīf, and Īgām Birdī, four men were recognised (*dānūb*)⁶⁸ and brought to me (*mūnda*) for questioning. During the hearing which occurred in the presence of the *kadkhudās*, a certain ‘Abd al-Raḥman Āqsaqāl from Naymān⁶⁹ joined and reported that these [respondents] had been recognised as those who broke also into a house of another community (*ilāt*) and committed robbery. At that point, the *kadkhudā-āqsaqāls* of the abovementioned [individuals] mentioned that there are other rumours around them. [The elders thus decided] to take the respondents to the community [in which the robbery was perpetrated],

66 TsGARUz, f. I-125, op. 1, d. 498, ll. 25–50b.

67 Tama is 6 km southeast of Khanqah, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 574, note 330; Tama is also mentioned in fiscal registers as a locality belonging to a jurisdiction comprising about twenty mosque communities. See TsGARUz, f. I-125, op. 2, d. 385, ll. 12–14.

68 Most probably this is an oghuzism for *tānūb*.

69 Nayman was a settlement located ab. 20 km west-northwest of Khiva, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 605, note 553.

summon everybody [to clarify the circumstance of the crime], drive them back with great caution. They left [for that locale]. Amongst those [who attended the hearing] there was a certain Nafas who had previously appealed (*'arz ītib*) [to the royal court] with a false complaint (*yālghān*). Nafas' guarantors (*kafīl*) also were in this place. This is what happened and you know best. The report (*khaṭ*) was written in the month of Jumādī al-ṣānī in the year 1336 [March 1918].

Seal: Muḥammad Yūsuf Bāy b. Pahlavān Maḥram

Document 16: A Report by a Provincial Governor to the *yasāvulbāshī* about a Case of Domestic Violence⁷⁰

Introduction

This report to the *yasāvulbāshī* is written by the governor of Gurlen.⁷¹ A woman named Niyāz Bika filed a claim of assault against her son-in-law, Yakhshī Murāt, who had beaten Sa‘ādat Bika and caused her injury. Consequently, Sa‘ādat Bika had left the conjugal dwelling. The governor instructed the *qāzīs* of Gurlen to appoint a trustee (*amīn*) in order to examine the body of the injured party. He also ordered local notables – most probably elders from Sa‘ādat Bika’s community – to assist the trustee. Clearly in the attempt to defend himself from the accusation of assault and acquire a different standing before the royal court, Yakhshī Murāt filed a complaint claiming that the wife had broken the marriage bond (*nikāḥ*) by abandoning their conjugal dwelling and seeking refuge in her paternal home. The royal court issued a warrant instructing the governor to verify the veracity of Yakhshī Murāt’s claim. Should the man’s claim be found sound, Sa‘ādat Bika would be returned to him. Otherwise, the dispute should be heard by *qāzīs*. This mode of proceeding in the royal court is not unusual: other texts from Khiva and other regions of Central Asia show that a counterclaim usually pushed the royal court to transfer the dispute to a *sharī‘a* court. Unusual, however, is the fact that the royal court contemplated the possibility that the *qāzīs* would not enjoy enough authority to either issue a judgment or settle the dispute. Indeed, the *yasāvulbāshī* ordered the governor that, should the aggrieved party refuse to submit to the *qāzīs*, she should be escorted back to the royal court. This is precisely what happened, for a man representing Sa‘ādat Bika, most probably a guarantor, requested before the governor the implementation of this latter procedure. Sa‘ādat Bika was consequently escorted to Khiva.

This document is interesting in many respects. First, it illustrates an instance in which a woman decided to bring her grievance to the office of the governor, not to the local *sharī‘a* court. In her eyes the judicial authority of the *qāzīs* evidently counted less than the power of the governor. Second, it illustrates

⁷⁰ TsGARUz, f. I-125, op. 1, d. 498, l. 28

⁷¹ Gurlen is a town is about 50 km northeast of Khiva on the left bank of the Amu Darya, see also Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 564–565, note 280; Basiner, *Estestvenno-nauchnoe puteshestvie po Kirgizskoi stepi v Khivu*, p. 347; Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo nasele-niia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 45ob.–46.

the royal court following an uncommon procedure, specific to cases involving alleged bodily harm: the governor would instruct the *qāzīs* to appoint a trustee to examine the body of the aggrieved party and ascertain the presence of injuries. The *qāzīs* and the trustee would not operate alone, however, since the governor also requested the presence of local notables during the inquest. All these courses of action seem to be constraining the legal authority of the *qāzīs* and relegating them to a marginal role. It should not come as a surprise of it was the trustee, not the *qāzīs*, to report directly to the governor. Third, this case shows how the populace in general perceived the royal court (as represented by the *yasāvulbāshī*) as the highest judicial instance to which the governor and most certainly the *qāzīs* were subordinated.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate (*vizārat-panāh*) and repository of power, our lord, that in this month of Rabīʿ al-avval an aged woman (*kanfir*) called Niyāz Bika came and informed [me] that her daughter Saʿadat Bika was the victim of assault, having been injured (*majrūh*)⁷² by her husband Yakhshī Murāt, who later ran away. Proceeding from [this complaint], [I requested] the *qāzī-īshāns* of Gūrlān, who are the banner of Islamic law (*sharīʿat-shiʿār*), to appoint a trustee (*amīn*). I [also] have instructions to gather the *il-kadkhudās* who, together with the trustee, reached the locality, examined the injured party and reported to [me] about their examination. Meanwhile Yakhshī Murāt appealed (*ʿarż*) [to the royal court and claimed] that the woman he had legally wedded (*nikāhli khātūnūm*) had repaired to her father's home and that her elder brother did not let her come back to him. [Accordingly it was then ordered by Your Excellency] to proceed in the following way: should [Yakhshī Murāt's] appeal be sound, the wife and husband should be reunited, otherwise (*bāshqa sūzī būlsa*) [the conflict] should be heard before the *qāzīs*. [If they refuse to comply], they should be sent [to the royal court]. When I was about to reconcile them according to the royal warrant (*būyrūq-i ālilārigha muvāfiq ālārnī yarāshtūrmāqchī*), a certain Muḥammad Ṣafā from Qūsh-Kūfrūk, who had apprehended the afore-mentioned Yakhshī Murāt, requested that the woman be sent to Khiva. [She] was entrusted to Khāl Murāt Āqsaqāl who escorted her to Your Excellency (*janābingiz*). The elderly

⁷² In the text *machrū*.

Niyāz Bika requested me to let you know about the investigation. I thus inform your excellency what was reported (*bayān itgānlār*) by the trustees (*amīnlār*) who inspected the woman [and found that she] had been beaten with a stick. This sincere petition (*‘arīza-yi ikhlās*) was written in Rabi‘ al-avval 1335 [December 1916].

Seal:⁷³

73 We have been unable to decipher the seal.

Document 17: A Report by a Provincial Governor to the *yasāvulbāshī* about a Dispute over Water Rights⁷⁴

Introduction

The governor of Urgench reports to the *yasāvulbāshī* about the settlement of a dispute concerning the disposal of his allocated share of water. The text is instructive for it illuminates how the resolution of conflicts saw the participation of a constellation of actors representing different social forces. After a claimant submitted a petition to Khiva, a liegeman was appointed to act in the capacity of attendant (*yasāvul*). The latter summoned a hearing, most probably in Urgench, in the presence of both the governor and the representatives of the community to which the parties belonged. One may well imagine that local notables were invited to the hearing because they were endowed with local knowledge. Indeed, representing as they were the locale, they must have known the details of the dispute. The attendant and the governor pushed the parties to a settlement and sanctioned it.

Translation

Let it be known to the office of Muḥammad Maḥram Yasāvulbāshī,⁷⁵ refuge of the vizierat⁷⁶ and repository of nobleness (*najābat-dastgāh*), our lord, that a certain Muḥammad Ya'qūb from Chātkūfrūk went to the royal court (*dargāh-i ālī*) and submitted a petition (*'arīza*) [claiming] that Bābā Jān, Ṣābir, Dūndī Bika, Karīm Birgān, Qalandar and Sa'ādat Bika do not let water flow into his ditch (*suv yūlī*). He also mentioned that the afore-mentioned individuals had assaulted him and his brother. [The royal court thus] appointed Muḥammad Sharīf, the liegeman (*nawkar*) of 'Abd al-Sattār Says,⁷⁷ [to the office of] attendant (*yasāvul*); [Muḥammad Ya'qūb] drove [the attendant to the locale]. The

74 TsGARUz, f. I-125, op. 1, d. 498, l. 42.

75 On Muḥammad Maḥram Yasāvulbāshī, see the Introduction, p. 32.

76 In the original text of the record, *vizārat-fanāh*.

77 Yūldoshev writes that in the Khanate of Khiva the term *says* means 'stable boy,' see his *Khiva khonligida feodal yer egaligi va davlat tuzilishi*, p. 234. Safarov claims, instead, that in Khiva *says* denoted an ascription of office at the royal court. He further notes that there were two of them who commanded 45 subordinates who were in charge of taking care of the Khan's stables, see Bābājān Safarov, *Khvārazm ta'rīkhī (1864–1934)*, MS Tashkent, IVANRUz, inv. no. 10231, fol. 15.

latter let the above-mentioned individuals reach a settlement (*yarāshdīlār*) in our presence (*huzūrīmizda*) together with the representatives of the local community (*ahl-i ilāt bülūb*). I wrote this notification (*khat*) to inform your office on 27 Rajab (1330) [July 12, 1912].

Seal: Allāh Birgān Bāy b. ‘Avāz Niyāz Maḥram⁷⁸

⁷⁸ Prior to his appointment to the governorship of Urgench, Allāh Birgān Bāy b. ‘Avāz Niyāz Maḥram acted as Khivan consul in the Amu-Darya Department, see N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64.

Document 18: A Report by a Provincial Governor to the *yasāvulbāshī* about Maintenance Works of the Irrigation System⁷⁹

Introduction

The document reflects a conflict between two communities (*davr*) of water-users living along the lower bank of the canal Qūshbigī Yāf,⁸⁰ a stream of water which flows northwest from Lavzan, the latter being a distributor of the Amu Darya.⁸¹ On behalf of one community, two individuals filed a lawsuit at the royal court claiming that the other water-users had not been fulfilling their duties of maintenance for the last two years. In Khorezm, upkeep of the irrigation system consisted of two main activities termed respectively *saqa qāzū* and *ābkhurī qāzū*. The first activity inhered in the cleaning of the upper streams (*saqa*) of a canal, and was under the direct competence of the principality, whereas the second referred to the cleaning of the distributaries (*ābkhurī*), an operation that fell on the local communities.⁸² As we see in the document translated below, the communities of water shares were required to organize such maintenance works in accordance with established practices (*taʾāmul*). In this case the claimants lamented that, in neglecting the fulfillment of its duties, the neighbouring community impeded the correct flowing of the water to the lower part of the canal, thereby complicating the process of irrigation. In order to solve the conflict, the *yasāvulbāshī* enacted the procedure that we have already seen at work: he ordered a governor to make further inquiries into the case. The governor, in turn, was endowed with powers to assess the veracity of the claim and he was expected to enforce the fulfillment of the duties of maintenance, should he find that the claim was sound. Otherwise, if the respondents should counterclaim, the *yasāvulbāshī* expected the governor to

79 TsGARUZ, f. I-125, op. 1, d. 498, l. 44.

80 This canal was built in 1857 by Ḥasan Murād Qūshbigī, see Ya.G. Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei* (Tashkent: Izdatel'stvo Akademii nauk Uzbekskoi SSR, 1957), p. 231; Mirza Abdurakhman, *Dnevnik Mirzy Abdurakhmana, vedennyi vo vremia khivinskogo pokhoda*, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, op. 1, d. 221, ll. 24–29.

81 Y. Bregel, *An Historical Atlas of Central Asia* (Leiden-Boston: Brill, 2003), p. 67, map 33; Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, pp. 218, 292; A. Shioya, "Irrigation Policy of the Khanate of Khiva regarding the Lawzan Canal, 1830–1873," *Area Studies Tsukuba* 32 (2011), p. 116.

82 See L. Kostenko, "Khivinskoe khanstvo v sel'skokhoziastvennom otnoshenii (s chertezhami)," *Voennyi sbornik* 4 (St. Petersburg, 1874), pp. 373–374; Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 261; I.M. Dzhabbarov, "Iz istorii tekhniki i kul'tury zemledeliia v iuzhnom Khorezme," in *Istoriia material'noi kul'tury Uzbekistana*, 2 (Tashkent: Fan, 1961), p. 277; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 609, note 607.

transfer the case to the *qāzīs*. It is here important to observe that the formulaic expression to denote this last procedure – ‘we entrusted it to the *sharī’a*’ (*sharī’atgha qūshdūk/sharī’atgha tāpshūrdūk*) – means simply that the case was transferred to the *qāzīs* who would hear the dispute according to the probative procedures of Islamic adjudication. This does not mean, however, that, the governor (or the attendant) did not hear cases according to *sharī’a*. It means, instead, that the governor, for example, did not have the legal authority to request that the plaintiffs produce testimony, or that the respondents swear an oath, or to ask the parties to bring legal opinions in support of their position. Nothing in our texts suggests that governors (or attendants) implemented customary rules. By contrast, it is worth reminding that the involvement of *qāzīs* usually resulted in the production of written statements, whose stipulations were determined by local notables (*āqsaqāls/kadkhudās*), thereby giving ample room for considering the specifics of local circumstances, established practices, and customary notions of justice. The present document is also useful to illuminate the degree to which legal actors operating in the Khorezmian Islamic juridical field were aware of the legal instruments at their disposal. As soon as the respondents realised that the plaintiffs would produce testimony and win the case, the former informed the governor that they would bring the case to the royal court.

Translation

Let it be known to the office of the *yasāvulbāshī*, the refuge of the vizierate,⁸³ our lord, that Bābā Jān and ‘Abdu Karīm from Manāq [claimed that] above their community (*davr*), on the upper bank of the canal Qūshbigī Yāf, [there is a group of people] disposing of 20 water shares (*sū*)⁸⁴ under the supervision of Allāh Birgān Mīrshab and Nāvāzā Mīrāb. During the last two years said latter group has not carried out the maintenance works (*qāzūshmāydūr*) in the lower part of the canal (*āyāq*). Since ancient times (*qadīmdīn*) it is established practice (*ta‘āmul*) that all water users (*hamma ābjūrī*) should clean

83 In the original text of the record, *vizārat-fanāh*.

84 In Khorezm the term *sū* (lit. ‘water’) denotes a measure to quantify a water share. According to Yahya Guliamov the Qonghrats introduced standard irrigation units. As a result, they established that one *sū* was the quantity of water necessary to irrigate ten *fanāb* of land and they thus allocated ten *sū* to a community of landholders, which they termed *jabdī*, see Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 295. The Qonghrat bureaucracy recorded and updated the allocation of water shares to communities. They did so by making reference either to the communities, as in e.g. TsGARUZ, f. I-125, op. 2, d. 508, or to the canals (*ābkhūr-yāflār*), as in e.g. TsGARUZ, f. I-125, op. 2, d. 510, l. 4.

the local ditches proceeding from the lower reaches towards the main stream (*saqa*). [As a result,] you ordered (*būyrūq*) to question the afore-mentioned people and [if the appeal is found to be sound], make them clean the canal according to the ancient practices. [You also instructed that,] should the [respondents] counterclaim (*bāshqa daʿvālār*), the dispute must be heard at *sharīʿa* [court]. We thus arranged for a hearing according to *sharīʿa*. The *qāzī-īshāns* from Manāq who are skilled in *sharīʿa* ordered the appellants⁸⁵ to produce their witness (*guvāh*). When the appellants were about to bring their witness, [the defendant] Allāh Bīrgān Mīrshab stated that he intended to go to Khiva (*Khīvāgha bārūrman dīb*) [and address the dispute to the royal court]. In wishing you well, we wrote this report (*khat*) to inform you about this [event] on 22 Jumādī al-avval 1335 [15.03.1917].

Seal: Muḥammad Yaʿqub Bāy b. Jabbār Qulī Maḥram, 1334

85 In the original text of the record, *ariḡa-gūy*.

Document 19: A Report by *qāzīs* to the *yasāvulbāshī* on Land Assessment Works⁸⁶

Introduction

This text is a *qāzīs'* report to the *yasāvulbāshī*. It recounts the case of a certain Jum'a Niyāz who appealed to the royal court to complain that log bundles hampered the flow of water. The royal court reacted to his complaint by sending an attendant with a royal warrant (*nishāna-yi 'ālī*) that instructed the *qāzīs* in Yarmish⁸⁷ to collect information on the conflict. This required the *qāzīs* to go to the locality, inspect it and ask local elders, that is people endowed with privileged knowledge, to provide further clarifications. This otherwise brief report is instructive because it shows that *qāzīs'* activity was constrained by the instructions which they received from the royal court. Indeed, they limited themselves to execute orders and, consequently, their remit consisted of providing for the expertise of land assessors. They did not take any initiatives regarding the claim, though they established that it was not sound. They no doubt refrained from doing so because responsibility for solving the dispute lay with the royal court, not them. It is also important to note that, despite the somewhat trivial nature of the case, the arrival of an envoy who represented the royal court and brought instructions from the central power required the involvement of not just one *qāzī*, but three. This would suggest that *qāzīs* regarded accountability to the royal court as a key aspect of their activity.

Translation

He [God Almighty]! Let it be submitted for consideration (*ma'rūz bū ki*) to the *yasāvulbāshī*, His Excellency (*janāb-i 'ālī*), the most eminent minister (*vazīr-i a'zam*) and illustrious councilor (*dastūr al-mukarram*), our lord, that, in accordance with the content of the royal warrant (*nishāna-yi 'ālilārī*) entrusted to Iskandar Maḥram, we went to the [place of the dispute] and saw that indeed on the western (*kūn-bātar*) border of the land of Muḥammad Niyāz b. Bīk Murād and Jum'a Niyāz 'Abd al-Karīm Murād ūghlī there is a thoroughfare.

86 TsGARUz, f. I-125, op. 1, d. 498, l. 54.

87 On the canal Yarmish, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 564, note 276; M.I. Ivanin, *Khiva i reka Amu-Daria* (St. Petersburg: Obshchestvennaia pol'za, 1873), p. 9; Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 200. We have not found in our sources any mention that would suggest that Yarmish was the name of a settlement. It may well be that it was the name of a large area, consisting of different communities of water-users, which were subject to the authorities of *qāzīs* indeed appointed to such area. It is interesting to note that in fiscal registers one can find the expression 'water-users of Yarmish' (*ābkhūr-i Yarmīsh*) as fiscal unit, while there is no mention of the locality in itself, see TsGARUz, f. I-125, op. 2, d. 387, l. 68–68ob.

[However,] there is no road leading to the water dumps (*chiqar suvyūlūsīyūq*).⁸⁸ We summoned the elders of this mosque community (*maṣjid qavmīnīng qariya ādamlārī*) and questioned them. They too confirmed that the thoroughfare belongs to the afore-mentioned Muḥammad Niyāz but that there is no road leading to the water dumps. [They also drew our attention to the fact that] along the sides of the afore-mentioned road there are log bundles belonging to ‘Abd al-Karīm which do not hamper passers. The document (*ḥujjat-nāma*) was registered (*marqūm*) in the year 1328 [1910].

Seals: Qāzī va ra’is-i Yārmīsh Dāmullā Muḥammad Yūsuf
 Qāzī va ra’is-i Yārmīsh Dāmullā ‘Abd al-Ghafūr
 Qāzī va ra’is-i Yārmīsh Dāmullā Bābājān Makhzūm

88 The meaning of the term is unclear.

Document 20: A Report by a Provincial Governor to the *yasāvulbāshī* about a Marital Dispute⁸⁹

Introduction

In the wake of a failure to consummate marriage due to her husband's sexual impotence, a woman announced her intention to divorce, a decision that led to a violent altercation between the families of the spouses. Consequently, the father of the woman submitted a petition to the royal court and filed a claim for battery and injury. The office of the *yasāvulbāshī* instructed the governor to solve the conflict. He did so, as this rescript emphasizes, by hearing the case 'according to Islamic law.' In the absence of additional empirical information, it is unclear what the governor actually meant by this. Most probably he advised the parties to reach a settlement, as we have seen governors following this procedure in similar cases. During the hearing, however, the respondent must have manifested dissatisfaction with the settlement's stipulations proposed by the governor and consequently expressed his willingness to file a counterclaim. The established procedure in such cases required that the governor transfer the case to the *qāzīs*. Things seem not to have changed substantively with the involvement of the *qāzīs*, however. Unhappy with the outcome of the adjudication offered by the judges, the husband manifested his intention to file a counterclaim with the royal court in Khiva. This course of action left the governor with no other choices than to send the parties to Khiva. Illuminating the authorial intentions leading to the production of this document seems here particularly important. On the one hand, one can infer that this text is merely a report of a local official, the governor, to the agency from which he had received instructions to proceed with the resolution of a conflict. On the other, the text also reflects the governor's attempt to elucidate the course of events that had occurred before the *qāzīs* in order to qualify his own position. Not only he had attempted, albeit unsuccessfully, to settle the dispute, but he also most probably participated in the attempted adjudication of the case before the *qāzīs*. By drafting this rescript, therefore, he must have sought to show the royal court that he and his subordinates, which is to say the *qāzīs*, had done everything in their power to settle the dispute. It is also important to note how the term *sharʿa* could be used in two different meanings: one denoting 'Islamic law', the other as a metonym for '*qāzīs*' court.'

89 TsGARUz, f. I-125, op. 1, d. 498, ll. 56–56ob.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate and repository of power, our lord that a certain Qurbān Dūrdī Qarādāshlī⁹⁰ had appealed to the royal court (*darbār-i ‘ālilārigha ‘arż ītib*) and was entrusted with a warrant (*nishāna*). [The content of his plea was the following:] when he decided to divorce (*āyirmāqchī*) his daughter from Bāyrām Sulṭān her husband (*kuyuv*)⁹¹ due to the latter's failure to consummate marriage (*martnīng shari‘at īshīgā yārāmāghān sabablī*),⁹² Ārtūq Niyāz, Ūrāz Niyāz, Mullā Jūm‘a, ‘Āshīr, and Khwājām Birdī battered (*ūrūb*) his daughter, pulled her hair, caused bodily harm (*a‘zālārīn jarāhatdār ītib*) and also insulted [Qurbān Dūrdī]. On this account, the claim (*da‘vā*) of the afore-mentioned individuals was heard according to Islamic law (*shari‘at būrla*). Since [the parties] did not find an agreement (*yutūshmagāndīn kiyīn*), I transferred [the case] to the *qāzīs* (*shari‘atgha qūshūb*). However, when the groom's party came before the *qāzīs* (*shari‘atgha bārgānda*), they announced that they will go to the royal court (*dargah-i ‘ālīgha bārūrman*).⁹³ For this reason, I summoned the afore-mentioned [individuals] and dispatched them to your office. This petition (*‘arīza*) was registered on 19 Zī al-ḥijja 1334 [16.10.1916].

Seal: Muḥammad Karīm Yūzbāshī b. Ismā‘il

90 Qaradashli is an ethnic term designating a Turkmen tribe that came to the oasis of Khorezm in the first half of the 19th century. According to Bregel, groups belong to this tribe settled in the lower reaches of the Yarmish canal as well as in the northeastern district of Hilali (Yilanli), see his *Khorezmskie turkmeny v XIX veke*, pp. 31–32. In Khivan chronicles they are referred to as *Qarādāshlī* or *Qarādāshlī khalqī*, see Mūnis and Āgahī, *Firdaws al-iqbāl. History of Khorezm*, p. 962.

91 In Uzbek the term *kuyov* carries both the meaning of ‘groom’ and ‘son-in-law’. This word-choice makes perfect sense if we think that, in this part of the narrative, it is the woman's father who accounts the events.

92 ‘Due to his inability to fulfill what is due to him as a man according to *shari‘a*’. This is clearly a circumlocution to express a case of sexual impotence. The term *mart* may well be a phonetic rendering of the word *mard*, (‘male’, ‘masculine’). For revealing comparisons, see A. Layish, *Shari‘a and Custom in Libyan Tribal Society: An Annotated Translation of Decisions from the Shari‘a Courts of Adjābiya and Kufrā* (Leiden: Brill, 2005), doc. 37.

93 In the original text of the record, *dargah*.

Document 21: A Report by a Provincial Governor to the *yasāwulbāshī* about a Dispute over Debts⁹⁴

Introduction

A man filed a claim for debt against three individuals with the royal court in Khiva. He received a royal rescript (*fatak*) instructing the governor with jurisdiction over the claimant to settle the dispute. By involving the local elders, the governor was able to settle things between the claimant and two respondents. The latter acknowledged their debts and honored them. In exchange, the plaintiff relinquished his claims. The third respondent, however, did not admit his debt. The denial of the claim activated the transfer of the case to a *qāzī*. The judge, however, refused to hear the case. The claimant reported about the unsuccessful hearing to the governor, who summoned the *qāzī* in an attempt to clarify the issue. The *qāzī*, in turn, blamed the governor for having instigated the plaintiff against him and manifested his willingness to transfer the case to the royal court. The governor tried to persuade the judge that going to Khiva would be an unfortunate move: to file a claim with the *yasāwulbāshī*'s office would cost him a considerable amount of money and it would also go counter to the royal court's previous instructions, i.e., to solve the case according to *sharī'a*. The judge did not follow the advice of the governor who was thus obliged to write a report informing the royal court that he sent the *qāzī* and the third respondent to Khiva to file a counterclaim against the plaintiff. On the basis of this document, we observe that the governor transfers to *qāzīs* a case every time a respondent denies a claim. The transfer of the case from the governor to the *qāzīs* signals the changing nature of the dispute: while the governor usually attempts to achieve the resolution of the conflict through mediation, and while the involvement of a third party endowed with recognised authority (such as the governor) is instrumental in securing the parties' satisfaction, *qāzīs*, instead, are expected to follow Islamic probative procedures thereby enhancing the confrontational aspect of the dispute. The document is instructive also because it shows that at any stage of the dispute settlement, the parties could always resort to the royal court to express their dissatisfaction and achieve redress.

Translation

Let it be known⁹⁵ to the *yasāwulbāshī*,⁹⁶ refuge of the vizierate and repository of power, our lord, that a certain Šālīḥ, a man (*ādamī*) of Muḥammad

94 TsGARUz, f. I-125, op. 1, d. 498, ll. 65–64–64ob.

95 *Ma'lūm wa huvaydā* in the original text of the record.

96 *Yasāwulbāshī* in the original text of the record.

Karīm Yūzbāshī[’s entourage], appealed to the royal court claiming (*darbār-i ‘ālīlarīgha ‘arz qīlīb*) that Mullā Ghāyib Qāzī owes him 600 *manāt* and 1½ *bātman*⁹⁷ of rice, Mullā Bikjān owes him 8 *būt*⁹⁸ and 15 *qadaq*⁹⁹ of sugar, Ūstā Qurbān Niyāz owes him 80 *manāt* [and] a robe, ‘Ibādullāh owes him 400 *manāt* [and] a cart. [Šālīḥ] received a *fatak* [from the royal court]. As soon as we became acquainted with the content of this order, we summoned these people and interrogated them. The afore-mentioned Ūstā Qurbān Niyāz admitted (*iqrār*) [his debt] and returned [it]. ‘Ibādullah too acknowledged [that] his debt amounted to 240 *manāt* and nothing else. These 240 *manāt* were paid back [to Šālīḥ]. The notables of the community (*il kadkhudā-āqsaqāls*) had [Šālīḥ] relinquish his other claims (*bāshqa da’vāsīn*) [against Ūstā Qurbān Niyāz and ‘Ibādullāh]. Since Mullā Bikjān did not acknowledge [his debt], we passed [the case] over to the *sharī’a*. According to *sharī’a*, it was incumbent on Šālīḥ to produce testimony (*guvāhgha tūshīb*). [Since he failed to do so], Mullā Bikjān took an oath (*ānt*).¹⁰⁰ [But] after that the *qāzī-ishān* stated: ‘I shall not hear your dispute; go away!’ (*murāfa’a*¹⁰¹-*ngiznī sūrāmāyman tūr kīt*). Mullā Bikjān together with Šālīḥ came [to me] and informed me about what the *qāzī-ishān* had said. Consequently, I summoned the *qāzī-ishān* and asked him to explain to me his words. He answered that as Šālīḥ had also filed a claim against him, he intended to go to Khiva together with Mullā Bikjān. I have attempted to persuade [the *qāzī-ishān*] not to involve the royal court (*ūzī Khivanī ṭalab qīlmāsa*) [since] travel would cost (*kharj*) him 200 *manāt*. I even said that the [royal] order (*mihribānchiliqlārī*) prescribes that the case be solved according to *sharī’a*. [But the *qāzī-ishān*] accused me of having advised Šālīḥ to [sue him] and acquire [from the royal court] a rescript [with allegations] against him. [The *qāzī-ishān*] then left. Because of this incident, we sent the afore-mentioned Mullā Bikjān and the *qāzī-ishān* to your noble office. The state of the case (*ṣurat-i vāqī’a*) was recorded on 27 Ramazān 1336 [06.07.1918].

Seal: Khwāja Niyāz Bāy b. ‘Abdullāh Maḥram, 1335

97 The *bātman* was a unit of weight. In the 19th- and early 20th-century Khanate of Khiva it was ca. 20 kgs, see Ivanin, *Khiva i reka Amudaria*, 46 (footnote); *Katalog khivinskikh kazi-iskikh dokumentov XIX–nachala XX vv.*, p. 651.

98 Local rendering for the Russian *pud*, a measure for weight equivalent to 16,380 kgs.

99 The *qadāq* or *qadāgh* was a unit of weight, equivalent to 409.5 gms, see A. Abdurasulov, *Khiva (Tarikhiy-etnografik ocherklar)* (Tashkent: Ūzbekiston: 1997), p. 89.

100 It is unclear what was the procedure followed by the *qāzī* here.

101 *Murāfi’a* in the original text of the record.

Document 22: A Report by Provincial Governor and the *qāzīs* to the *yasāvulbāshī* about a Dispute over Landownership¹⁰²

Introduction

This is a rescript that five *qāzīs* of Gurlen and the local governor addressed to the *yasāvulbāshī* in the wake of a claim over a plot of land filed with the royal court. The dispute revolved around an area amounting to 5 *tanāb* which was the object of a transaction between individuals. The representative of the local mosque community, however, held that that the plot of land belonged, instead, to a larger area that was endowed to the benefit of the mosque as part of a charitable endowment (*vaqf*). The *qāzīs* and the governor went to the place in question, summoned the elders, and asked them to provide information about the legal status of the land. In absence of documentary evidence that could attest to the rights on this land, the elders testified that the area did not belong to the endowment and that who sold it had disposed of it in the capacity of proprietor. There is ample documentary evidence from 19th-century Central Asia showing that *qāzīs* usually operated in the capacity of land assessors on behalf of the chanceries of the khanates.¹⁰³ It was also common in Central Asia that, in the absence of written attestations, elders provided testimony (*shahādat*) either to renew the stipulations of endowments or to update the legal status of estates belonging to them.¹⁰⁴ Most importantly, however, we should appreciate the public dimension of a dispute over landed property rights. Besides the presence of the elders, the authors of this rescript emphasize the involvement of the mosque community.

Translation

Let it be known to the *yasāvulbāshī*, refuge of the vizierate¹⁰⁵ and repository of power,¹⁰⁶ our lord, that [we proceeded] according to your instruction (*būyrūq*) to notify to your office whether a plot of land measuring 5 *tanāb*, which a certain Bāshlūgh Jum'a Murād and one Ādina Murād, from the Qara-Tāyli clans¹⁰⁷

102 TsGARUz, f. I-125, op. 1, d. 498, l. 75.

103 P. Sartori, "Colonial Legislation Meets *Sharī'a*: Muslims' Land Rights in Russian Turkestan," *Central Asian Survey* 29.1 (March 2010), pp. 43–60.

104 P. Reichmuth, "Lost in the Revolution': Bukharan waqf and Testimony Documents from the Early Soviet Period," *Die Welt Des Islams* 50.3–4 (2010), pp. 362–396.

105 *Vizārat-panā* in the original text of the record.

106 *Hukūmat dastgā* in the original text of the record.

107 Qara-Tāyli referred to a sub-group of the Imreli Turkmens. Bregel considered them as the third major group of Turkmens in Khorezm after the Yomuts and the Chawdur see Bregel, *Khorezmskie Turkmeny v XIX veke*, pp. 31, 42. In the text of this record the expression Qara Tāl should be read as a toponym, rather than an ethnic designation.

(*jamā'a*)¹⁰⁸ sold to a certain Muḥammad Ūraḏ, belongs to the 20 *ṭanāb* of land endowed (*vaqf*¹⁰⁹ *itgān*) to the benefit of Qūl Muḥammad Īshān's mosque. [For that purpose you ordered us] to go to that place, gather the elders (*qariyalār*), and question them. We reached that locality, gathered the elderly people, and examined in the presence of all the dwellers (*jam'-i kaṣīrlār*) that all the four boundaries of the 20 *ṭanāb* of *vaqf* land correspond to the endowment deed (*vaqf-nāma*).¹¹⁰ However, [we discovered that] there was a canal called Ūlūgh Tāza Yārghān crossing the afore-mentioned *vaqf* land which was not mentioned in the endowment deed. Secondly, when we questioned the individuals who sold 5 *ṭanāb* of that land as their property as well as the elders – namely Khudāy Birgān valad-i Ṣafar Niyāz, Muḥammad Panāh Dārughā valad-i Aḥmad, Sayyid Niyāz valad-i Ṣafar Niyāz (another man), Jum'a Niyāz valad-i Ṭaghāy Murād, Allah Birgān Dārughā valad-i Qūtlūq Murād, Khāl Murād valad-i Siytak, Pahlavān Niyāz valad-i Atā Niyāz, Khāl Murād valad-i Qūshmān, Khudāy Birgān (another man) valad-i Khāl Muḥammad, Khāl Murād valad-i Muḥammad Ghālī – whether the 5 *ṭanāb* indeed belonged to the *vaqf* of the mosque or they were outside, they stated that these 5 *ṭanāb* of land were the property (*ḥaqqī va mulkī*) of the sellers and should not be considered as [part of the] endowment. When we questioned them as to whether they could produce written evidence (*ḥujjat khaṭī*) or a royal warrant (*pādshāhlīq-dīn ālghān yārlīq-i 'ālī*) showing that they owned the land, they stated that in the wake of two floods, the locality was destroyed and therefore all the written evidence attesting to the properties of the Qara Tāl clans got lost and that, beside the endowment deed, there is no written evidence left for [said] *vaqf* land. [The elders further stated] that from the outset [the sellers] owned the land which they made use of (*mutaṣarriḥ būlūb ūltūrghān mulklārī dūr*). Equally, they stated and testified (*akhbār va shahādat*) that they would bear the responsibility in this life and hereafter should they hide that the afore-mentioned 5 *tanāb* were included in the endowment and were considered *vaqf* land. We informed you about the state of the case (*ṣurat-i vāqī'a*); now you know best [what to do]. This report (*khaṭ*) was written on 16 Rabī' al-ṣānī 1335 [08.02.1917].

108 *Jam'a* in the original text of the record.

109 *Vāqf* in the original text of the record.

110 *Vāqf-nāma* in the original text of the record.

Seals: ‘Abd al-Raḥīm Bāy¹¹¹

Qāẓī va ra’is Muḥammad Qurbān¹¹²

Qāẓī-yi Gūrlān Dāmullā Bābājān

Qāẓī-yi Gūrlān Dāmullā Muḥammad Ya‘qūb

Qāẓī-yi Gūrlān Muḥammad Karīm Khwāja

Qāẓī-yi Gūrlān Dāmullā Ūrāz Muḥammad

111 We have been unable to decipher the seal.

112 We have been unable to decipher the seal.

Document 23: A Report by a Provincial Governor to the *yasāvulbāshī* about the Death of a Man Involved in an Altercation¹¹³

Introduction

This record recounts the settlement of a dispute initiated by a dead man's relative filing a claim with the royal court and suggesting that the cause of death was an altercation that had occurred between the departed and another man. According to the order (*būyrūgh*) of the court to make an inquest and settle the dispute, the governor summoned the relatives of the departed who stated that the man was seriously ill prior to the altercation and, for this reason, they do not have any claims against the respondent. One may well imagine that prior to the summons, mediators assisted the parties to achieve an amicable settlement. In view of a monetary compensation, the claimant relinquished his claim while the respondents received a deed of relinquishment. The document shows the logics of filing a claim with the royal court: it triggers a procedure of inquest that obliges the parties to find a compromise over a conflict in order to achieve a settlement.

Translation

Let it be known to the office of *yasāvulbāshī*, refuge of the vizierate¹¹⁴ and repository of power, our lord, that Ḥaqq Muḥammad and Sharīf from the community (*qavm*) of Mullā Yūsuf Āqsaqāl in Shāhābād¹¹⁵ got into an altercation with each other. Given the death of Sharīf, we [proceeded] in accordance with your instruction (*būyrūgh*) to investigate the claim [filed by his relatives] (*da'vā*), to resolve the conflict according to Islamic law on the spot (*shūl ʿaraḥḍa sharīʿat farmāyishī bīla sāflāshṭūrūb*) and to report the results [of the proceedings] to your office. We thus summoned and questioned the heirs (*varaṣalārī*) of the deceased Sharīf, [namely] his son Jum'a Niyāz and wife Qurbān Bika of Sharīf, together with his brothers Rajab Bāy and Mullā Īsh Bāy. His heirs stated that Sharīf had fought [with Ḥaqq Muḥammad] three days before his death and that he was also sick (*kasal*). They thus acknowledged the relinquishment of the claim against Ḥaqq Muḥammad. Later [Jum'a Niyāz Sharīfīnī ūghlī], acting on his own behalf (*ūz ʿaraḥḍīn*) and as representative (*vakīl*) of his mother Qurbān Bika with the testimony (*shahādat*) of his witnesses (*guvāhlār*), Yūsuf Āqsaqāl and Rajab Bāy, certified (*khaṭlāshṭūrūb*) before the *qāẓī-īshāns* of

¹¹³ TsGARUz, f. I-125, op. 1, d. 498, l. 86.

¹¹⁴ In the original text of the record, *vizārat-fanāh*.

¹¹⁵ Shahabad (Shavat) is a town located 35 km north-west from Khiva along the middle section of the canal bearing the same name, see Danilevskii, *Opisanie Khivinskogo khanstva*, p. 114; Ivanin, *Khiva i reka Amu-Daria*, p. 9; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 564, note 278.

Shahabad the death (*mawt*) of his father and the relinquishment of his claim. This is the state of the case (*ṣūrat-i vāqī'a*) which was recorded on 27 Sha'bān 1336 [08.06.1918] and was sent to your office.

Seal: Muḥammad Ṣafā Ātālīq¹¹⁶ b. 'Abdullāh Ātālīq

116 Muḥammad Ṣafā Ātālīq was governor of Shahabad. The term *ātālīq* was an ascription of status that we usually find attached to the names of the leaders of the major Uzbek tribal groups in Khorezm. This title was in use at court already under the rule of Abū 'l-Ghāzī Khān, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 45. The majority of the tribal leaders who played a central role in the political events of the region at the end of the 17th and in the 18th century used the title *ātālīq*, see N.I. Veselovskii, *Ocherki istoriko-geograficheskikh svedenii o Khivinskom khanstve s drevneishikh vremen do nastoiashchego* (St. Petersburg: Tipografiia brat. Panteleevykh, 1877), p. 213; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 560, note 251. Under the Qonghrats who pursued policies to undermine the local tribal aristocracy, one can observe a meaningful devaluation of the titles representing earlier, local tribal traditions (as was the case with the titles *ātālīq* and *ināq*). The Russian ambassador to Khiva (1819–20) N. Murav'ev pointed out that Muḥammad Raḥīm Khān 'deprived [the notables] of all their privileges and left only their titles;' and, 'these tribal leaders barely have a say ...; and they do not participate in the [political] affairs,' see his *Puteshestvie v Turkmeniū i Khivu v 1819 i 1820 godakh gvardeiskogo general'nogo shtaba kapitana Nikolaia Murav'eva, poslannogo v sii strany dlia peregovorov*, pt. 2 (Moscow: Tipografiia Avgusta Semena, 1822), pp. 34–35. According to Kuhn, in 1873 *ātālīq* was a 'honorific title' (*pochetnoe zvanie*) which was granted to the leaders of four Uzbek tribes: Qonghrat, Manghit, Uyghur and Qipchaq, see his *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 39. It is noteworthy that in his notes on the political hierarchy in Khiva, which related to the beginning of the 20th century, Nil Lykoshin does not mention the title *ātālīq* among the officials serving the royal court and who played a meaningful role in the life of the Khanate, see N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, ll. 63–64. One can therefore infer that under the rule of the Qonghrats the granting of the title *ātālīq* did not carry with itself the same privileges which were once given to the Uzbek tribal aristocracy. As an honorific title, it had also little to do with specific administrative duties. For this reason, one observes that at the end of the 19th century and at the beginning of the 20th century individuals with the title of *ātālīq* served in very different capacities such as governors (*hakīm*), *ibid.*, l. 640b.

Document 24: A Report by a Provincial Governor to the *yasāvulbāshī* about Malfeasance¹¹⁷

Introduction

A group of liegemen from Hazarasp appealed to the royal court in Khiva and complained about an instance of fiscal malpractice, which involved the governor of the city and other local power holders who had levied a special ‘ammunition tax’ (*yarāgh fūlī*). In the work *Gulshan-i sa‘ādat*, the Khivan chronicler Laffasī writes that at the beginning of 1918, after the withdraw of the Russian army from the territory of the khanate, the Khivan ruler Isfandiyār Khān (r. 1910–1918) was obliged to seek the protection from Junayd Khān, one of the leaders of the Yomut Turkmens.¹¹⁸ The latter took advantage of his newly acquired position of political authority and obliged the khan to provide for the resources necessary to quash the revolts of other Turkmen groups. In complying with the request of Junayd Khān, Isfandiyār Khān thus levied from the population a supplementary tax, which Laffasī termed the ‘bullets tax’ (*ūq pūlī*).¹¹⁹ From a chronological point of view, the events referred to in this document (March–April 1918) perfectly match the accounts provided by Laffasī. The claim of the liegemen relates to the fact that their status traditionally exempted them from the payment of taxes, while their possessions became subject to taxation. As the document suggests, the royal court sent to the local governor a series of instructions meant to regulate this conflict, which, however, remained a dead letter. The local governor explained that, because of the inaccuracy of the appellants, he could not follow the orders coming from Khiva. He also explained in detail the reason for acting as he did with regard to the taxation of the local residents and the imposition of a new tax. He takes great care to illustrate the fact that his actions did not represent his own initiatives, but that he merely executed orders coming from the center of power. The governor also confirms that, since he was appointed relatively recently, the forms of taxation applied by his predecessors were still in place. He then goes on to explain that he ordered his subjects to establish the rate of taxation and return money in those cases when subjects paid more than what was due. This document shows that the instructions coming from Khiva were sometimes entrusted not directly to their addressees, but to the claimants who could operate also without attendant (*yasāvul*). The text is noteworthy also because it offers evidence, albeit indirectly, on the compilation of fiscal registers. In this case, we observe that

117 TsGARUz, f. I-125, op. 1, d. 498, ll. 87–87ob.

118 On this personality, see the Introduction, pp. 17–18.

119 Ḥasan-Murād Laffasī, *Gulshan-i sa‘ādat*, MS Tashkent, IVANRUz, inv. no. 7797, fols. 99a–100a.

āqsaqāls first compiled the list of taxpayers for every mosque, which they subsequently passed on to the governor and the royal court in Khiva.

Translation

Let it be known to the *yasāvulbāshī*, the refuge of the vizierate, our lord, that two liegemen (*nawkar*), Mullā Dawlat and Tājī Bāy from Hazārāsp, filed a petition (*‘arż*) [to the royal court] stating that the governor had imposed on them the payment of a weapon tax (*yarāgh fūlī*), gave them inappropriate orders (*bī yumish* [?] *khizmat*) and levied from them more than [the previously stipulated] 10 *manāt* for the Yomuts’ expenses. From your order (*būyrūq*) dating 13 Jumādī al-ṣānī prior to this 3 or 4 times I was given instructions (*fatak*) not to interfere with the petitioners (*‘arżgūy*), which I did not follow, and that, should I endure with such behavior, I would be dismissed from the office of governor. My reply (*‘arż*) is that, when I summoned the *bāy* and *āqsaqāls* and announced to them the [content of the] incoming instructions regarding the collection of the tax on the weapons, they discussed and agreed (*ittifāq*) to fulfill their duties, and we had thus informed His Excellency and Muḥammad Raḥīm Bāy about that. After that there came another instruction [to impose the tax] on wealthy men (*qadāratlī ādamlārdīn*). After we announced [the content of that order] to the *bāy* and *āqsaqāls*, the *āqsaqāls* of each mosque community (*maṣjid qavmī*) compiled a register of names (*ād ba ād daftar*) belonging to the wealthy men, handed it over [to me] on 22 Jumādī al-ṣānī. I forwarded the registers in our possession to his excellency. As your order [came] to levy the tax [from the people listed] in the register, I ordered the *āqsaqāls* to collect the weapon tax (*yarāgh fūlī*). But until now neither the liegemen (*nawkar*) nor the other residents (*ghayrī fuqarā*)¹²⁰ have been taxed; nor was I aware of the instructions (*fatak*) which the petitioners obtained. I had heard of them [only] from Muḥammad Amīn Dīvān Bābā. [As a result], I had these claimants be brought before me. I questioned them and examined their rescript (*fatak nī kūrūb*). I asked them who required that they pay the tax on weapons. Since they answered that it had been the *āqsaqāls*, I summoned and questioned the latter; but they did not confirm [the liegemen’s statement] (*bīkār*). I then asked [the claimants] why they did not bring the rescript immediately in the wake of their receipt, [and they answered that] they were willing to produce them upon request [to pay] the weapon tax. Secondly, whatever was the amount of *manāt* collected for the Yomuts’ expenses, we acknowledge that it had been

120 The term *fuqarā* was mostly used to designate ‘subjects’ and referred to ordinary taxpayers as distinct from other individuals enjoying fiscal privileges, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 570–571, note 297.

collected when Īsmā'il Khwāja¹²¹ was [on duty as] governor. And since I was appointed to the [office of] governor [of Hazarasp] neither the liegemen nor the other residents were taxed over again [to meet] such expenses. As soon as the *yūzbāshīs*¹²² informed me about the amount of money which the liegemen paid under the rule of Īsmā'il Khwāja, I have instructed the *yūzbāshīs*, who were about to go along with [a certain] Muḥammad Raḥīm Bāy, to calculate for me within three-four days the amount of revenues collected from the *bāys* and the community (*il*) to the benefit of the Yomuts. [I equally ordered that], should have the taxes exceeded [a fair amount,] the exceeding part must be paid back to the liegemen, otherwise we will inform your office [and request new instructions regarding] the petitioners. Whatever your decision, I shall let you know accordingly. Other than that, I know nothing else regarding what the petitioners said. If you ask the *yūzbāshīs* [to clarify] whether the petitioners provided false information (*yālghāndīn dalīl kūrghāzīb*) when they stated that the governor imposes [the fulfillment of] inadequate duties and levies from them the tax on weapons to the benefit of the Yomuts; and [if you also] ask Muḥammād Āmīn Dīvān Bābā [to ascertain] whether I had [the liegemen] bring me their notifications [precisely] because they had avoided to do so, [then] you would certainly see whether the word of the petitioners is trustful or deceitful. [At any rate,] I have informed Your Excellency (*janāb-i humāyūnlār*) that [these claimants] are used to submit ill-founded petitions (*yālghāndīn dalīl kūrghāzīb 'arż itīb yūrgānliqī*). It is you who decides and knows best. Our sincere petition (*'arīza-i ikhlāṣ*) was recorded at the end of the month of Jumādī al-ṣānī 1336 [March/April 1918].

Seal: 'Abd al-Raḥīm Bāy b. Muḥammad Karīm Bāy

121 The author clearly refers to Sayyid Ismā'il Khwāja, the elder brother of the grand-minister (*vazīr-i akbar*) Sayyid Islām Khwāja (d. 1913). In 1912 Lykoshin refers to Sayyid Ismā'il Khwāja as the governor of Hazarasp at the age of 45 years. See N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64.

122 On the *yūzbāshī* being the second most important official at the provincial level after the governor (*ḥākīm*) and working at the latter's instructions, see Introduction p. 47 fn. 180.

Document 25: A Report to the *yasāvulbāshī* about a Case of Murder¹²³

Introduction

A woman was shot. Her son, a certain ‘Abdullāh Khwāja, reported the homicide to an official, most probably the local governor. He claimed that the perpetrator of the homicide had first attempted to shoot him with a pistol, but that he missed him and hit instead his mother. The murderer, claimed ‘Abdullāh Khwāja, was a certain Mullā Qurbān Niyāz Bāy who after firing fled away, but lost his sheepskin hat in the vicinity of the house. By following an established procedure usually applied in cases of homicide, the official requested the *qāzīs* to examine the crime scene and inspect the corpse. The jurists sent two individuals, including a man acting in the capacity of bailiff. The latter reported back and confirmed that the woman was murdered by a bullet, which perforated her breast. At the same time, the respondent, Mullā Qurbān Niyāz Bāy appealed to the royal court in Khiva and denied the claim. His account of the incident was substantially different. From our document it transpires that the story behind the murder of the woman was more complex: ‘Abdullāh Khwāja, claimed Mullā Qurbān Niyāz Bāy, had concocted a stratagem with two men, who were suspected of highway robbery, to lure Mullā Qurbān Niyāz Bāy to the house of ‘Abdullāh Khwāja and to kill him. We do not know the reasons why they did so: most probably the three men wanted to settle previous scores with Mullā Qurbān Niyāz Bāy or perhaps they simply wanted to get rid of him because he could be instrumental in identifying them as the culprits in a case of robbery. In any case, when Mullā Qurbān Niyāz Bāy approached the house of ‘Abdullāh Khwāja, the two men fired at him. They missed him, however, and he was able to flee. The royal court sent a royal warrant to the local official, which instructed him to hear the dispute according to *sharī’a*. The official did not transfer the case to the *qāzīs*, though. He questioned the parties and the robbery suspects himself, but he was unable to reconstruct the dynamics of the murder: the sheepskin hat did not belong to Mullā Qurbān Niyāz Bāy and the suspects denied their participation in the robbery. Moreover, he heard local notables who confirmed evidence of the murder, but who excluded the involvement of Mullā Qurbān Niyāz Bāy. This document also provides insights into the investigation procedures of robbery cases. It appears that in Khorezm people followed a procedure of divination consisting of having two young boys look into the water to identify the suspect. Most probably this procedure was to be followed when testimony was not enough to establish the identity of the thieves.

¹²³ TsGARUZ, f. I-125, op. 1, d. 498, ll. 92–92ob.

Translation

Let it be known to the office of Muḥammad Yūsuf Yāsavulbāshī,¹²⁴ the refuge of the vizierate,¹²⁵ our lord, that a certain ‘Abdullāh Khwāja from the mosque community (*masjid qavmī*) of Yādgār Khwāja came here and informed me that during the evening prayer (*khūftān vaqtī*), when he was sitting at his place [and talking] to Mullā Khāl Bāy, the *imām* of the [local] mosque, [somebody] knocked at his door. [‘Abdullāh Khwāja] went out and a certain Mullā Qurbān Niyāz shot at him with a pistol (*tubbāncha*). The bullet, however, did not reach him and he ran away. [At that moment] his mother, Ūlūgh Jān Bika, [who was in the house,] came [to the door]. Mullā Qurbān Bāy fired another shot that hit her in the breast and exited from her back. He then ran away too [but] left his sheepskin hat there. [‘Abdullāh Khwāja] brought the bullet and the sheepskin hat [to me]. As a result both Mullā Bābā Jān Mullā Bājbān ūghlī, who was dispatched by the *qazī-īshān*, and Ātā Jān Makhzūm, who was dispatched by myself, went in their [joint] capacity as trustee (*amīn*) to examine [the crime scene]. [When] they returned, they reported that [the story of] the woman being shot was true (*rāst īrkān*): and they stated that [the bullet] hit her in the breast and exited from her back. Later the afore-mentioned Mullā Qurbān Bāy went to [royal court] and on 2 Zī al-ḥijja¹²⁶ he brought to me a royal warrant (*nishāna*) whereby [Mullā Qurbān Bāy] stated the following: ‘in cases of theft [the aggrieved party usually come to me as] I could determine the identity of the thief by having two children look into the water.¹²⁷ Two thieves Khallī and Muḥammad Ziyā, who had stolen the possessions (*māl*) of a certain Mūsā Khwāja, summoned me to the house of a certain ‘Abdullāh [Khwāja]. [When I reached that place, the thieves] fired twice with a rifle (*āltī ātār*)¹²⁸ intending to kill me. However, the bullets did not hit me and I

124 The text here refers to Muḥammad Yūsuf b. ‘Avāz Niyāz Maḥram who acted in the capacity of *yāsavulbāshī* between 1910 and 1917, see the Introduction, p. 30.

125 In the original text of the record, *vizārat-panā*.

126 In the original text of the record, *Zā al-ḥijja*.

127 *man har kimnī mällārī ūghūrlānsa ūkkī yāsh bālānī suvgha qārātīb ūghrīnī tāpīb birūr īrdīm*.

128 At the beginning of the 20th century two types of rifles were mostly employed in the khanate: the Berdan rifle, which was referred to in local sources as *birdānka* (see the footnote to Doc. 40), as well as the 3-line Mosin rifle with an internal magazine of five shots, which explains why our material refers to it as *bīsh ātār* (Turki for ‘firing five shots’), see N.S. Lykoshin, *Zapiska Nachal’nika Amu-Dar’inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 25ob. The expression *āltī ātār* (Turki for ‘firing six shots’) may be intended to refer to the G-98 Mauser rifle, which fired cartridges from a five-shot magazine. If desired, the rifle could also be equipped with a sixth cartridge, by placing one in the trunk.

managed to run away.' [Since the royal warrant further instructed that] this case be reviewed according to *sharī'a*, I [proceeded to] question Mullā Qurbān Bāy and asked him whom the sheepskin hat belongs to. He answered that it does not belong to him. Then they brought Khallī and Muḥammad Ẓiyā [before me]. When I questioned them, they stated that it has been a year since they last went to 'Abdullāh [Khwāja]'s house. They never fired at Mullā Qurbān Bāy, nor did they steal Musā Khwāja's possessions. Regarding the royal warrant which your office [entrusted to] Khudāy Nāẓar Yūzbāshī and sent to me, I had the *āqsaqāl-kadkhudās* of 'Abdullāh Khwāja summoned [before me]. When I questioned them, they informed me that as soon as they heard about the case, they immediately went [to 'Abdullāh Khwāja's place] and they stated it was true that the woman had been shot, [but] they do not know who fired. The *āqsaqāl-kadkhudās* of Mullā Qurbān Bāy gave testimony to (*shāhidliq*)¹²⁹ that they have never seen him wandering about aimlessly (*bihūda yūrgānīnī*). This is the state of the case (*ṣūrat-i vāqī'a*) as I heard it; but it is you who knows best (*ṣāhib-i rā'y ūzlārī bilūrlār*). This notification was written on 7 Muḥarram 1336 [23.10.1917].

Seal:¹³⁰

¹²⁹ *Shāydlīq* in the original text of the record.

¹³⁰ We have been unable to decipher the seal.

Document 26: A Report by a Provincial Governor to the *yasāvulbāshī* about a Dispute over Landownership¹³¹

Introduction

The document recounts the investigation of a claim which was led by a local governor. The plaintiff claimed he was the owner of a plot of newly irrigated state land, which during a cadastration campaign initiated by the Khivan authorities in 1910¹³² was assigned to someone else. This occurred in his absence. The office of the *yasāvulbāshī* issued a royal warrant (*nishāna*) which instructed the governor of Khanqah to deal with this case. The latter requested the local *qāzīs* to collect information on the process of cadastration. The judges proceeded to question the residents of the locality and clarify the conditions in which the entitlements on the contested land had been conferred. In contrast to the statement provided by the claimant, local residents testified that the claimant had in fact abandoned the land showing little interest in the process of cadastration. The governor deferred any decision to the office of the *yasāvulbāshī*. It is noteworthy that when requesting from the *yasāvulbāshī* a final decision on the case, the governor warned the royal court that in his region similar lawsuits of recovery of property abounded. Presumably, a ruling on this specific lawsuit might have well served to establish a precedent to deal with other such cases. This case shows how *qāzīs'* role in dispute settlements was confined to one of legal advisors.

Translation

Let it be known to the office of the respected and honorable (*‘izzatlū ḥurmatlū*) Shaykh Naẓar Yasāvulbāshī,¹³³ our lord, that [a certain] Qalandar from Hāzārāsp filed a petition to the royal court (*dargāh-i ‘ālilārīgha ‘arīza ītib*). He stated that a certain Jum‘a Niyāz, together with Bikjān and Nār Muḥammad, have profited from his absence and thus [changed] the registration [of his possession amounting to] approximately 3 *ṭanāb* of land in the cadastre (*ṭanāb daftarī*). [Accordingly,] a royal warrant (*nishāna*) was entrusted to the afore-mentioned [Qalandar]. As soon as I became acquainted with [the content of said] order (*būyrūq*), I examined the register and found out that the afore-mentioned land had been recorded under the name of Jum‘a Niyāz; and Qalandar also confirmed that he had been absent [when this incident occurred]. Thereafter I wrote (*khat birdūm*) to the *qāzīs* of Hāzārāsp [and instructed them] to question all those individuals who appear in the cadastral [register] and who belong to the [local]

¹³¹ TsGARUz, f. I-125, op. 1, d. 498, l. 93–93ob.

¹³² For more information, see p. 16.

¹³³ On Shaykh Naẓar Bāy Yasāvulbāshī, see pp. 30–31.

community (*ilātni tamāmī ādamlārī*) and to send a report. The *qazī-īshāns* questioned the people who were present and sent to me a report, [which says] that [the local community] testified (*shahādat*) that said Qalandar was present [during the cadastration]; that they had asked him whether he would keep the notarised property (*khaṭlī mulkingīnī tūtārdürmūsan*), and that, on account of his [replying] that he would not keep [the property], and his abandoning it, Jum'a Niyāz [and his associates] kept it [for themselves]. The [judges] reported to me [these] events (*vāqī'alār*). Now Qalandar testifies (*shahādat*) that he was absent [during the process of cadastration], while the community (*ilāt*) was present and stated that he had left [the land]; a scribe (*dīvān*) too was there. As a result, this was recorded into the cadastre and registered under the name of a certain Jum'a Niyāz. So if [you] order to allot the land again to Qalandar [in accordance with] his [original] documentation (*khaṭī bīla*), then such receipt should be taken from Jum'a Niyāz and handed over [to Qalandar]. If [you] bestow your mercy (*mihribān*) [and thus consider] that in the wake of the abandonment of a property and the latter's transfer to a cadastre (*fālānd*),¹³⁴ [such land] should not be allotted again, then Qalandar's claim should be made null (*da'vānī qūymāqī kirāk*). In the province of Hāzārāsp there are many people who first abandon the untitled land (*fartāpta*)¹³⁵ *yirlār*), which they are allotted (*tanāb būlījāqdā*), but then they regret [having done so] and file a claim (*da'vā*) [to recover their property]. There must be approximately 3–4000 such cases. I dispatched to your office the *qazī-īshāns*' report (*yāzghān khaṭī*), the claimant (*da'vāgar*), and the two parties. Whatever will be the mercy you bestow [upon us], I shall proceed accordingly. This is the state of the affairs and it was submitted to your office on 19 Jumādī al-ṣānī 1332 [14.05.1914].

Seal: Ḥājji Muḥammad Bāy b. Amīn al-Dīn Bāy 1330¹³⁶

¹³⁴ Phonetic rendering of the Russian word *plan* ('plan,' 'outline').

¹³⁵ This was the corrupted form of the Persian *partāfta* ('left'). In the Khanate of Khiva the term was used to designate abandoned land. The term entered the bureaucratese of the Russian colonial administration in the form *partau*, see [Girshfel'd and Galkin], *Voenno-statisticheskoe opisanie Khivinskogo oazisa*, 2, p. 16; K. Sarybaev, *Agrarnii vopros v Karakalpakii (konets XIX–nachalo XX vekov)* (Nukus: Karakalpakstan, 1972), p. 38.

¹³⁶ Lykoshin notes that in 1912 this man was the 39 year-old governor of Khanqah, who lived in a luxurious edifice adorned with European furniture. See his *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, ll. 64–64ob; Idem, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 13.

Document 27: A Report by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery¹³⁷

Introduction

A Turkmen appealed to the royal court in Khiva to report a case of robbery. The royal court reacted by appointing an attendant who proceeded to mediate the case. In the presence of the governor of Tashhawz, the attendant organised a public hearing with the headmen representing the communities of the two parties and achieved a settlement. The notification of the settlement addressed to the office of the *yasāvulbāshī* acquires the status of a pledge indicating that the parties recognised the obligation to avoid new conflicts. From this we should infer that in this specific case the parties to the dispute must have regarded the involvement of a *sharī'a* court as less effective than representatives of the royal court to achieve the instrumental purposes of avoiding further conflicts. It also suggests that, in cases of disputes, communities in Khorezm regarded legal deeds as less legally forceful than the knowledge, which such communities preserved and could thus transmit orally, about the achieved stipulations of the settlement. We here encounter yet another case which reminds us that, in spite of the ubiquity of written records and especially legal deeds in Central Asia, among certain communities oral testimony carried more probative weight than did documentary evidence. Most probably this phenomenon originates from the fact that the embodiment of and the participation in a shared knowledge were crucial for the process of forging a cohesive community. If seen from this point of view, the practice of preferring oral testimony to written evidence may not reflect the enduring legacy of Islamic juristic principles,¹³⁸ rather be born out of specific social circumstances.

Translation

Let it be known to the *yasāvulbāshī*, the banner of glory and happiness (*‘izzat-va sa‘ādat-nishān*), our lord, that a certain Kildī Muḥammad, a Chawdur¹³⁹ [Turkmen] claimed that in his absence, during the night, [two people called]

¹³⁷ TsGARUZ, f. I-125, op. 1, d. 498, l. 94.

¹³⁸ For a discussion on the tension between written evidence and oral testimony in Islamic law, see J. Marglin, "Written and Orality in Islamic Law: Documentary Evidence and non-Muslims in Moroccan *Sharī'a* Courts," *Comparative Studies in Society and History* 59.4 (2017), pp. 884–911.

¹³⁹ Chawdur was the name of one of the major Turkmen tribes in Khorezm. During the 19th and early 20th century some groups of Chawdur inhabited the westward and north-westward fringes of the Khorezmian oasis, see N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUZ, f. I-2, op. 1, d. 314, l. 240b.; Bregel, *Khorezmskie Turkmeny v XIX veke*, pp. 30, 42.

Qūshān and ‘Anna Muḥammad broke into his house and robbed him of 300 *manāt*. Accordingly, ‘Ayd Bāy, the liegeman (*nawkar*) of Ghāyib Yūzbāshi, was appointed [by the royal court] in the capacity of attendant (*yasāvul*). [The latter together with] the *kadkhudās* of Kildī Muḥammad and his opponents (*sūzīnīng da‘vāgarlāri*) – Qūshān and ‘Anna Muḥammad – came [before me] and reconciled the two parties. And now in order to avoid further disturbances among the population (*fuqarālārni halāk būlmāslīqī vajhīdīn*), this notification was entrusted to the liegeman. We inform your office about this event. This report (*khat*) was written in the year 1335 [1916–17].

Seal: Jum‘a Niyāz Maḥram b. Maḥmūd Dīvān¹⁴⁰

¹⁴⁰ A governor of Tashhawz, see N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64ob.; Ḥasan-Murād Laffasī, *Gulshan-i sa‘ādat*, MS Tashkent, IVANRUz, inv. no. 7797, fols. 29b., 63b.

Document 28: A Report by *qāzīs* to the *yasāvulbāshī* about a Case of Extortion¹⁴¹

Introduction

Two *qāzīs* notified the *yasāvulbāshī*'s office about their hearing of a case of extortion. Little information is provided on the procedure applied at court; emphasis, instead, is put on the fact that a third party representing the khan reconciled the disputing parties on account of their kinship ties (*qarindāsh*). The judges also indicate that they issued a certificate of acquittal bearing the unusual name of 'cleansing document' (*khaṭ-i pāk*). Apparently, whoever crafted this text knew that his addressee was not interested in the details of court proceedings; instead, it was important for purposes of an important principle at the Khivan royal court – to record that the conflict had been peacefully solved.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate and repository of power, our lord, that Allāh-Yār Makhzūm from Nāymān¹⁴² appealed (*arīza*) [to the royal court] stating that when he attempted to recover his 3 *ṭillā* from a certain Khāl-Murād Vafāh and Ṣafar, the latter extorted from him 24 *ṭillā*. You bestowed your mercy (*mihribān*) [upon us] and appointed Qalandar, [your] servant (*khizmatkār*), [to the office] of attendant (*yasāvuḥ*). When they [all] came here to Khidir-ilī-Qal'a,¹⁴³ since the two parties had kinship ties,¹⁴⁴ they both took a certificate of acquittal (*khaṭ-i pāk*)¹⁴⁵ and achieved satisfaction (*riẓālīq*). As the residents [of this town] suffer from indigence (*ʿājizlīq*), they prayed [their lord] to be benevolent. This notification was compiled on 8 Muḥarram 1335 [03.11. 1916].

Seals:¹⁴⁶

¹⁴¹ TsGARUz, f. I-125, op. 1, d. 498, l. 95.

¹⁴² On Nayman, see above, p. 109n69.

¹⁴³ Clearly Khidir-ili, a settlement located along the canal bearing the same name between Gurlen and Vazir, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 613, note 652.

¹⁴⁴ On the notion of *qarindāsh* in the Islamic juridical field of Khorezm, see further Sartori, "Murder in Manghishlaq: Notes on an Instance of Application of Qazaq Customary Law in Khiva (1895)".

¹⁴⁵ In the original text of the record, the Persian genitive is rendered as *khaṭī-yi pāk*.

¹⁴⁶ We have been unable to decipher the seals.

Document 29: A Report by a Provincial Governor to the *yasāvulbāshī* about a Dispute over Losses Caused by Yomut Turkmens¹⁴⁷

Introduction

The years 1915–1916 were marked by major rebellions by the Yomut Turkmens against the central authorities in Khiva.¹⁴⁸ Sources tell us that these rebellions were followed by episodes of highway robbery perpetrated against the local population, which brought about a wave of lawsuits filed with the royal court against the Yomuts.¹⁴⁹ A contemporary of those events, the court historian Ḥasan-Murād Laffasī explained that authorities in Khiva gave orders to record all these lawsuits in separate registers (*ūlūgh daftar*) in order to require that the tribal headmen of the Yomut Turkmens compensate the victims of these offences.¹⁵⁰ Chronologically, the events recorded in the present document match with the Turkmen rebellion of 1916, which was quashed by a punitive expedition led by the Russian general A.S. Galkin. The quashing of this rebellion was instrumental to ensure that representatives of the Yomut Turkmens would compensate the population in cases of robbery and destruction.¹⁵¹ The document is a governor's report requested by the agencies in Khiva and addresses a complaint of a resident of a settlement in the district of Hilali (otherwise known as Yılanlı). In this case, the Yomut Turkmens were accused of ravaging agricultural works and a canal. Following the order of the royal court, the official summoned the disputing parties. In the presence of the governor, the parties determined the value of the damages and the amount of compensation due. While the text tells us that the aggrieved party expressed satisfaction at the compensation, there is no evidence of the notarization of a certificate of amicable settlement or any other legal deed. It is interesting to note that part of the sum determined for the compensation was levied by the governor to pay fees for the agencies in Khiva, i.e., the attendant as well as the trustee.

147 TsGARUz, f. I-125, op. 1, d. 498, ll. 98–98ob.

148 Becker, *Russia's Protectorates in Central Asia: Bukhara and Khiva, 1865–1924*, pp. 182–185, Abdurasulov, “Konflikt kak resurs: anatomiia ‘turkmenskikh besporiadkov’ v Khorezme, 1914–1916,” pp. 141–186.

149 Pahlavān Niyāz Ḥājji, [*Khāṭīralar*]. MS Khiva, Private Collection of Anvar Otaboev, fols. 31b–32b.

150 Ḥasan-Murād Laffasī, *Gulshan-i saʿādat*, MS Tashkent, IVANRUz, inv. no. 7797, fols. 26b, 51a.

151 Ibid., fol. 81a; Pahlavān Niyāz Ḥājji, [*Khāṭīralar*]. MS Khiva, Private Collection of Anvar Otaboev, fol. 37b.

Translation

Let it be known to Āmān Kildī Yasāvulbāshī,¹⁵² refuge of the vizierate and repository of power, our lord, that last year the Yomuts, against our will (*zūrlāb*), [trampled through] the fields belonging to the Dūrman mosque in Hilālī¹⁵³ causing great damage to said fields and the crops of several dwellers (*fuqarālār*) and passing through a canal. As a result, a certain Bābājān Sayyid appealed (*‘arż ītib*) [to the royal court] and received a warrant (*nishāna*) which he brought [to me]. Accordingly, I summoned the appellant (*‘arżgūylār*) and the Yomuts who had passed through the canal. I sent a trustee (*amīn*) to the landowners (*yir īgālārī*) whose crops had been ruined, and instructed him together with the *āqsaqāl-kadkhudās* to examine [the damages]. I had [the Yomuts] pay 150 [*tillā*] to [compensate] the loss (*zararlārī*)¹⁵⁴ that the aforementioned [landowners] had suffered and thus settled amicably (*rižāliqgha yitdīlār*) [the dispute]. Besides, I have additionally levied 50 *tillā* from those who had damaged the canal as a payment for the trustee and the attendant (*amīn fūlī va yasāvul haqqī*). From this [sum of money], I have sent 25 *tillā* to your office. This letter (*maktūb*) was recorded on 9 Sha‘bān 1334 [10.06.1916].

Seal: Muḥammad Yūsuf Bāy b. Muḥammad Ya‘qūb Divān

¹⁵² See on Āmān Kildī Yasāvulbāshī the Introduction to this volume, pp. 33–34.

¹⁵³ Hilali (Yilanli) was a town on a lower stream of Shahabad channel, located circa 85 km north of Khiva, see Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 46ob.-47; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 650, note 1072.

¹⁵⁴ In the original text of the record, *zararlārī*.

Document 30: A Report by a Provincial Governor to the *yasāvulbāshī* about Malfeasance¹⁵⁵

Introduction

A man appealed to the royal court in Khiva and he filed a claim of extortion against the governor of Kat. Said extortion allegedly occurred when the governor heard a case in which the appellant was found guilty of assault and bodily harm. On that occasion, the appellant dispensed a substantial sum of 305 roubles. He gave 100 roubles to the injured party for medical treatment, while he paid the rest to award the attendant and a middle-man who presumably had strong ties to the governor. When the claim of extortion reached the governor, the latter had leeway to deal with the case as he saw fit, regardless of the fact that he himself was one of the disputing parties. He organised a hearing in a court presided over by *qāzīs* and had the appellant confess that the direct payment to the governor never occurred. Though the *qāzīs* seem not to have issued any specific documentation to support the governor's position, in the mind of the governor the appellant's confession before the local notables would ensure some kind of absolution. The governor of Kat then wrote to the *yasāvulbāshī* explaining that the aggrieved party might indeed have been extorted of that sum of money, but he was unaware that a number of officials involved in the previous hearing had harassed the appellant. In reporting to Khiva, the governor did not address the question of extortion, but accused the claimant of slander.

Translation

Let it be known to the *yasāvulbāshī*, refuge of the vizierate and repository of power, our lord, that a certain Muḥammad Ya'qūb from Kāt¹⁵⁶ had appealed (*'arż ūtib*) [to the royal court] stating that the governor (*ḥākīm*) had taken from him 290 *manāt* and that a certain Āllah-Birgān, who was an attendant (*ādli*),¹⁵⁷ had taken 15 *manāt*. Regarding the warrant (*nishāna*) [which the

155 TsGARUz, f. I-125, op. 1, d. 498, l. 103.

156 Kat (New Kat) is a town situated circa 35 km north of Khiva, see Danilevskii, *Opisanie Khivinskogo khanstva*, l. 108; Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 46ob.-47; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 563, note 275.

157 *Ādli* is a spelling variation (probably an Oghuzism) of *ātli* ('horsemen'). In 19th- and early 20th-century Khiva this term was employed to denote the cavalry as opposed to 'infantry' (*piyāda*), as well as an armed horseman, see Iu.E. Bregel', *Dokumenty arkhiva khivinskikh khanov po istorii i etnografii Karakalpakov* (Moscow: Nauka, 1967), p. 31; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 586, note 384.

appellant received from the royal court], I inform you (*‘arz-i ikhlāṣimīz*) that the afore-mentioned Muḥammad Ya‘qūb together with his two younger brothers (*īnū*) had assaulted a certain Ātā-Murād and his two women (*nāchār*), wounded his head and caused injuries (*majrūḥ*) all over their bodies without any reason (*tamāmī a‘zālārīnī bī-vajḥ*). In this regard, I took 100 *manāt* [from Muḥammad Ya‘qūb’s side] and handed over to the injured [parties] (*majrūḥlār*) [to cover] the expenses for the [medical] treatment (*malḥam fulī*); afterwards I settled the dispute (*da‘vāsīnī ṣāflāshdürüb ürdük*). [Now] together with the trustee (*āmīn*) sent [by the royal court], I went to the *sharī‘a* court (*dār al-qazā*) in Kāt. Before the *qāzī-īshāns* and in the presence of the afore-mentioned [Muḥammad Ya‘qūb’s] *katkhudā-āqsaqāls* gathered there, I asked [the claimant] when he had given to me 290 *manāt*. He replied that he personally had given 290 *manāt* not to me, but that he had given said sum to Muḥammad Yūsuf Bāy; and that the latter had returned therefrom [only] 63 *manāt*. He acknowledged (*īqrār*) that before the *qāzī-īshāns*. When Muḥammad Yūsuf was asked where the rest of the money was, he said that the attendant (*yasāvul*) and *kadkhudās* had taken 27 *manāt* and that a guard (*qaravul*), a certain Yomut called Sardār, had taken 100 *manāt*. I was not aware that these sums had been taken [from him]; but the reason for Āllāh-Birgān’s taking 15 *manāt* is that during a period of four months [the latter had acted in the capacity of attendant] since Muḥammad Ya‘qūb had assaulted somebody and wounded his head; hence [Āllāh-Birgān] was paid the attendant’s fee (*yasāvul ḥaqqī*). Now [the victim of the assault] too is ill. However, Muḥammad Ya‘qūb has used slanderous and inappropriate words against me (*ḥaqqārat-namā va nāshāyista sūzlār*). You decide as you wish. The petition (*‘arīza-nāma*) was written on 28 Ramaẓān 1336 [07.07.1918] and sent to your office.

Seal: Ātā Bīk b. Raḥīm Birdī Bīk, 1335

Document 31: A Report to the *yasāvulbāshī* about the Extinguishment of a Debt¹⁵⁸

Introduction

Two residents of Hilali appealed to the royal court in Khiva with the aim of securing permission to extinguish a part of their debts before their creditors by selling plots of land in their possession. In answering this appeal, the royal court entrusted them with a warrant that instructed the provincial governor to collect the necessary circumstantial evidence on the case and report to Khiva. In the wake of a consultation with the debtors and their creditors, the governor assessed the potential value of the plots of land and determined also a way to extinguish the debt. The latter required that the sum of money resulting from the sale of the debtors' possessions would be distributed proportionally among the creditors according to the amount of their credit. As for the remaining part of the debt, the governor proposed the issuance of promissory notes to each creditor, which determined the sum of money that the debtors still owed to their creditors. From the document it transpires that the office of the *yasāvulbāshī* agreed on the proposed procedure, but it also stipulated that creditors who were subjects of the Russian Empire should be paid first, while the subjects of the khanate would be compensated only later. In addition, the office of the *yasāvulbāshī* asked the governor to report on the implementation of the extinguishment of the debt. It is of significance that both here and in other cases of debts preference is accorded to Russian subjects. Such preference reflects one of the stipulations included in the peace treaty between the Russian Empire and the Khanate of Khiva signed in Gandemian in 1873.¹⁵⁹

The document is interesting also for another reason. It shows the degree to which the royal court in general and the office of the *yasāvulbāshī* in particular was involved in cases of debts involving private individuals. Such involvement was no mere formality. The document illustrates that the *yasāvulbāshī* required the governor to collect the information that would be useful for the agencies in Khiva to assess the case. In this regard, the documentation produced by the chancery of the Commandant of the Amu-Darya Department allows us to shed light on the procedural aspects of the resolution of conflicts originating from debts. In 1912 Colonel Nil S. Lykoshin crafted a report to the Governor-General of Turkestan that explained that, until recently, issues concerning debts fell within the competence of governors of the khanal provinces.

¹⁵⁸ TsGARUz, f. I-125, op. 1, d. 498, ll. 63–63ob.

¹⁵⁹ Art. 14 of said treaty stipulated that: 'In case of claims regarding debts from either Russian or Khivan subjects, the former enjoy precedence to receive the payment of debts,' Zhukovskii, *Snosheniia Rossii s Bukharoi and Khivoi za poslednee trekhstotletie*, p. 181.

Creditors who had claims for unextinguished debts directly appealed to the governors. The latter would instruct their attendants to deal with such cases. However, in the summer of year 1912, as Lykoshin notes, agencies in Khiva forbade governors to appoint attendants to collect debts from the population. In particular, from that moment on creditors who were Russian subjects were required to appeal directly to the royal court, while the governors were instructed to inform the office of the *yasāvulbāshī* about the wealth in possession of debtors.¹⁶⁰ In his missive addressed to Lykoshin, the Qonghrat ruler Isfandiyyār Khān informed him that such a procedural change was prompted by a very bad harvest that impoverished the population and which obliged the Khivan chancery to take the financial situation of his country under direct control. The chancery therefore took measures that would facilitate the reconfiguration of debts with Russians and help the Khivan subjects avoid having to sell all their possessions.¹⁶¹

Translation

He [is the Almighty]! Let it be submitted for consideration (*ma'rūz ūl-kīm*) to the office of the *yasāvulbāshī*, refuge of the vizierate, our lord, that a certain 'Avāz Niyāz and Khudāy Bīrgān, residents (*fuqarālār*) of Hilālī, brought [me] a royal warrant (*nishāna-yi 'ālī*) [endorsing their intention] to sell their land (*yir jāylār*) in order to pay their debts (*qarḡ*). I discussed the matter together with the creditors (*ālghūdārlār*) and they explained to me that someone intends to purchase 'Avāz Niyāz's land for the sum of 125 *ṭillā*. Should [this sum of money] be distributed [among creditors, the latter would receive] 12 *tanga* for each five *ṭillā* [of debt]. [Someone else] is willing to offer 200 *ṭillā* for Khudāy Bīrgān's real estate; if the creditors divide [among themselves] this sum of money, it looks like (*ūkhshāydūr*) they would receive more than 3 *tanga* for each *ṭillā* [of debt]. This is how they answered [my question]. I shall proceed to order them whatever you decide [regarding this matter]. They also applied for a document (*khaṭ*) attesting to the sum of money which will not be covered [by such an arrangement]. Should you agree also on this, I kindly ask you to clarify with a notification whether [the creditors] should receive a document which does not include a rate of interest (*bī-ijāra*) given that [the debtors] do not own their houses anymore, or the creditors should not receive any such document for what is still due to them and take [only] in accordance to the form of payment [they agreed upon] regardless of the amount of their debt. Praise be

160 [N.S. Lykoshin] G. Turkestanскому General-Gubernatoru, 28.08.1912, no 43. TsGARUz, f. I-2, op. 1, d. 289, l. 1370b.

161 Ibid., l. 140.

to Allah, Lord of the Worlds! The nobleness of this government is [a sign of] tranquility; and we are wholly dedicated to praise in your favour. This sincere petition (*'arīza al-ikhlaṣ*) was written on 10 Rabī' al-ṣānī 1332 [07.03.1914].

Seal¹⁶²

[Verso:] If creditors agree, let [the debtors] sell their properties (*yir va jāy mālārī*) according to the rule of Islamic law (*sharī'at farmānī bila*). First of all [the debt] must be paid to the creditors from the subjects of Russia (*ūrūsiya fuqarāsī*) and the remainder [of the money] must be given to the [local] creditors of this [left] side [of the Amu Darya]. As for the remainder of the debt the creditors must be provided with a document of guarantee (*khaṭ itīb*). And finally, let us know [on the performance] by [official] letter. 10 Rabī' al-ṣānī 1332 [07.03.1914].

¹⁶² We have been unable to decipher the seal.

Document 32: A Report by a Provincial Governor to the *yasāvulbāshī* about the Extinguishment of a Debt¹⁶³

Introduction

An individual appealed to the royal court with the aim of recovering a debt of 90 *ṭillās* from a certain Rūzī Bāy Tājīk. In response to this appeal, the *yasāvulbāshī* issued a warrant to the governor of Khanqah and sent an attendant to deal with the dispute according to the established practice. The attendant proceeded to make an inventory of the debtor's possessions to estimate their value. Then the governor of Khanqah decided to sell the possessions in order to expiate the various debts of Rūzī Bāy Tājīk according to the order of the royal court. In the meantime, three creditors who were subjects of the Russian empire¹⁶⁴ claimed to enjoy right of precedence in debt cases and therefore insisted that their debts be covered by the entire sum of money that resulted from the sale of Rūzī Bāy Tājīk's possessions. In this way, the other creditors who were subjects of the Khivan protectorate would not receive anything. Unable to resolve the dispute on the spot, the governor of Khanqah decided to send the debtor together with a guarantor directly to Khiva, and let the royal court decide on the case.

Translation

Let it be submitted for consideration to the *yasāvulbāshī*, the recipient of the ruler's trust (*mu'tamad al-sultān*) and the confidant of the king (*muqarrab al-khāqān*), his excellency (*janāblārī*), our lord, that a certain Rūzī Bāy Tājīk owes (*ḥaqqī bār*) 'Ibādullāh Bīk from Khivā 90 *ṭillā* and this [debt] has been notarised (*khatlī*). [As 'Ibādullāh Bīk appealed to the royal court,] he was entrusted with a rescript (*fatak*) and an attendant (*yasāvul*) was instructed to recover [his property] according to Islamic law (*muwāfiq-i shari'a*).¹⁶⁵ [As a result,] the provisions of the shop of the afore-mentioned Rūzī (*dūkān asbāblārī*) were sold for 163 *manāṭ* and 89 *tīyn*.¹⁶⁶ Then I intended to cover the debt of one creditor (*ālghidār*) whom [Rūzī Bāy] owed 45 *manāṭ* and proceed to divide (*taqsīm*) [the remaining sum] among other creditors according to the order of

¹⁶³ TsGARUz, f. I-125, op. 1, d. 498, l. 71–71ob.

¹⁶⁴ See Doc. 31 for a discussion on this topic.

¹⁶⁵ In the original text of the record, *muwāfiq*.

¹⁶⁶ Chagahtay rendering of the Russian 'kopek.'

the chancery (*dīvān-khāna*).¹⁶⁷ [But at that point,] Maksīm Ūralskī,¹⁶⁸ Astafī,¹⁶⁹ and Muḥammad Jān Nūghāy told me that they will take all the money and will not share them with any other. They also required that I hand over the money to them and inform the chancery about their contentions (*‘arẓlārīmīz*). I did so on 16 Jumādī al-ṣānī but since I have not yet received any reply I wrote once more with regard to the contentions of those Russians (*ūrūsīlār*). Since Rūzī Bāy Tājik stated that he himself intends to appear before your office on Saturday, I entrusted him to a guarantor (*kafil*), a certain Yūldāsh from Khanqah. This is the state of the case which was written to you (*surat-i vāq’ā ūshbū-dūr*). I compiled this letter (*khat*) on 15 Shavvāl 1328 [09.10.1910].

Seal: Ḥājji Muḥamad Bāy b. Amīn al-Dīn Bāy¹⁷⁰ 1327[?]

167 In the chronicles written at the court of the Qonghrat khans, the term *dīvān-khānā* is seldom employed, and in the rare instances of its appearance it serves as a synonym for ‘meeting-hall’ (*kūrūnīsh-khāna*). See, for example, Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 614, fn. 662. Furthermore, in the documentary collection known as ‘The Archive of the Khans of Khiva’ we do not find occurrences of this term. We are therefore prone to think that the idea of a centralised chancery originated from bureaucratic exchanges between the Russian colonial administration and the Khanate of Khiva after 1873.

168 This *nisba* refers to the city of Ural’sk (until 1775 Yaitsk), a trade settlement on the right bank of the river Ural.

169 Most probably, this is a corrupted form of the Russian personal name Astafii.

170 Governor of Khanqah, see Doc. 26, fn. 136.

Document 33: A Report by a Provincial Governor to the *yasāvulbāshī* about the Extinguishment of a Debt¹⁷¹

Introduction

A local official, Bābā Jān Yuzbāshī b. Pahlavān, addressed a report to the *yasāvulbāshī* in compliance with previous instructions. A certain Ūrāz Bāy had appealed to the royal court and attempted to secure the support of the latter in the payment of his debts. In reply to this appeal, the royal court ordered the official in the locality of Qīlich Niyaz Bāy to gather circumstantial evidence and, in particular, to provide for an estimation of Ūrāz Bāy's possessions and clarify the citizenship of the creditors thereby excluding the presence of Russian subjects among the latter. The involvement of Russians would have implied a specific procedure of pay-back to follow.¹⁷² The inquiry showed that Ūrāz Bāy was not in the position to extinguish his debts. The official thus proceeded to have the creditors postpone the payment for two more years without imposing any interest rate. This document shows that the involvement of Khiva in the resolution of debt cases was important for the appellants unable to pay their debts, to postpone payment and thus avoid insolvency.

Translation

He [is the Almighty]! Let it be known (*bū nav' ma'lūm*) to the office of *yasāvulbāshī*, the refuge of the vizierate, and the repository of power, our lord, [the following:] a certain Ūrāz Bāy from Qīlich Bay had appealed (*'arż*) to your office. He [stated that] he was indebted to a few people, that [such a debt] had been notarised (*khaṭlī qarż*), and that he intended to sell his 12,5 *ṭanābs* of land to return the loan (*adā itmākchī dūrmān*). [As a result, you instructed me to determine] the amount of the debt he had, the value of his land, whether he had other possessions, whether he was indebted with Russian subjects (*ūrūsiya fuqarāsī*), and whether his possessions (*amvāl va ashiyā'lārī va yirī*) could compensate for his debts, and his creditors (*ālghūdārlār*) would agree to such a pay-back. Since [you instructed me] to answer such queries with a written notification (*khaṭī bīla*), I proceeded to calculate the amount of money that should be paid to the creditor[s.] [It was determined that] his debt amounts to 555 *ṭillā*. His 12,5 *ṭanābs* of land are not worth 100 *ṭillā* since they were left uncultivated (*adrā*). He also owns an old cart, two calves (*ūchāk*) and a donkey. He seems not to have debts with Russian subjects. Since the land and other possessions were not worth enough to extinguish his debts, all the creditors of the same locality jointly agreed (*ittifāq bīla*) to give the afore-mentioned Ūrāz

¹⁷¹ TsGARUZ, f. I-125, op. 1, d. 498, ll. 45–45 ob.

¹⁷² See Doc. 31 and 32 of this section.

Bây two more years without any interest (*bīfīdā*).¹⁷³ This is the state of the case (*ṣurat-i vāqī'a*). I submitted this report (*'arīza*) to your office to inform you and you know best. [The report] was registered on 9 Rabi' al-avval 1335 [02.01.1917].

Seal: Bābājān Yūzbāshī b. Pahlavān

On 11 of Rabi' al-avval the report was handed over to [the office of] the *yasāvulbāshī*, our lord, by a certain Qurbān. It was then registered and kept [in the office].

¹⁷³ *Fīdā* is clearly a spelling variation of the word *fā'ida* ('advantage').

Document 34: A Report of *qāzīs* to the *yasāvulbāshī* about a Dispute over Landownership¹⁷⁴

Introduction

A party to a dispute concerning the delimitation of two properties appealed to the royal court. It appears from the tersely-worded document that the legal status of a road delimiting two properties constituted the main subject of the dispute. The *yasāvulbāshī* appointed an attendant and dispatched him together with the *qāzīs* of Yarmish¹⁷⁵ to that place with instructions to solve the conflict. Once they reached the locality, the judges and the court attendant proceeded to involve the elders (*qariyalār*) of the local community who provided expert knowledge on the road. The elders also intervened directly into the conflict in the attempt to mediate between the parties. But it was only with the direct involvement of the *kadkhudās* and *āqsaqāls* that the parties came to a reconciliation. It is important here to note that, though brief, this notification bearing the seals of the Islamic judges draw a sharp distinction between the 'elders' and the 'notables' of the community who acted in the capacity of *kadkhudās* and *āqsaqāls*. This would suggest that it may be misleading to equate the latter with the notion of 'elders.' In addition, it could be that the individuals bearing the title of *kadkhudās* and *āqsaqāls* indeed were seen by the locals as state appointees, i.e., members of the community with a specific ascription of status.

Translation

Let it be known to the *yasāvulbāshī*, the most eminent minister and illustrious councilor (*dastūr al-mukarram*), his excellency, our lord, that, according to the royal warrant (*nishāna-yi 'ālī*) sent to us together with [an attendant] Iskandar Yasāvul, we went [to the disputed place] and saw the road which 'Abd al-Karīm mentioned [in his petition]. We have then summoned the elders of this community (*qavmīng qariya ādamlārī*) and questioned them concerning this road. The elders came and suggested that both parties discharge their claims (*san-ham qūy san-ham qūy da'vāngnī*). The *kadkhudā-āqsaqāls* of the community settled the dispute with the volition of the two parties. This notification (*ruq'a*) was addressed to your office by Vāṣiḥ Bāy.

Sels: Qāzī va ra'is-i Yārmīsh Dāmullā Muḥammad Yūsuf
Qāzī va ra'is-i Yārmīsh Dāmullā Bābājān Makhzūm

¹⁷⁴ TsGARUz, f. I-125, op. 1, d. 498, l. 50.

¹⁷⁵ On Yarmish see Doc. 19, fn. 87.

Document 35: A Report by a Provincial Governor to the *yasāvulbāshī* about Rights on a Thoroughfare ¹⁷⁶

Introduction

This document is another report of the governor of Besh-Ariq, in reply to a royal warrant which he had previously received from agencies in Khiva. A certain Qurbān Niyāz had appealed to the royal court and complained that a group of people were illegally using a thoroughfare (*arāba yūli*)¹⁷⁷ that was situated within his possessions. They did so by force and disregarding the fact that a local *qāzī* had already ruled in favour of the appellant. When the *yasāvulbāshī* instructed the governor to take the measures needed to achieve a settlement, the latter summoned the parties together with the representatives of their communities and had them negotiate a settlement. Noteworthy is the fact that, in reporting to the royal court about the outcome of the dispute, the governor explains that the appellant's rights on the thoroughfare were recognised in accordance with an established practice (*avvalghī ta'āmuli būyūncha*). This would suggest that the appellant could not provide written evidence that could serve as an attestation to his rights; hence, the conflict with his opponents. In addition, the report emphasizes that the representative of the local communities agreed on the stipulations of the settlement. We can safely assume that their assent conferred on the settlement additional legal force, which in all probability the first *qāzī*'s ruling did not have.

Translation

Let it be known to the office of *yasāvulbāshī*, refuge of the vizierate, our lord, that Qūsh Niyāz, Qurbān Niyāz, Rūz Muḥammad, Bābā, Ātā Niyāz, Jum'a Naẓar, Sayyid, Şafā, and Iskandar forcefully (*zūrlīq ūtib*) have been using the thoroughfare (*'arāba yūli*) belonging to Qurbān Niyāz, thereby disregarding a legal ruling (*sharī'at amrīgha ham rizā būlmāy*). As a result, I [summoned the parties], made them subject to cross-examination (*qamtū*), and had them speak. According to the claim (*mudda'āsīgha muvāfiq*) and in compliance with earlier practice (*avvalghī ta'āmuli būyūncha*), the road was returned to the appellant (*'arīza-gūy*) Qurbān Niyāz in agreement (*ittifāq*)¹⁷⁸ with the *nāibs* and *āqsaqāl-kadkhudās* of the community (*ilāt*). [The dispute thus] was solved (*rižālāshtüruldī*). I compiled this letter (*khat*) to inform your office about this on 8 Noble Ramazān 1336 [17.06.1918].

Seal: Muḥammad Yūsuf Bāy b. Pahlavān Maḥram 1334

¹⁷⁶ TsGARUz, f. I-125, op. 1, d. 498, l. 53.

¹⁷⁷ *Arāba* in the original text of the record.

¹⁷⁸ *Ittifāq* ('agreement') in the original text of the record.

Document 36: A Report by a Group of Officials to the *yasāvulbāshī* about a Dispute over Taxes in Favor of Yomut Turkmens¹⁷⁹

Introduction

This document is a report by the governor of Besh-Ariq to the royal court. He replies to the office of the *yasāvulbāshī*, after the local residents appealed to the royal court and complained that the Yomut Turkmens of the Ushak clan, which were quartered in the vicinity, attempted to levy a tax thereby causing unrest. The governor explained that it was the Russian army stationed within the Khanate of Khiva which was responsible for this instance of attempted confiscation: lacking as they were the resources to supply the Russian garrisons that protected the regime of Isfandiyār Khān from internal and external challenges,¹⁸⁰ agencies in Khiva decided that the local population would need to meet such expenses (*chiqqūn fūlī*). When in January 1918 Russian soldiers left the khanate, Isfandiyār Khān was obliged to find an agreement with Junayd Khān, one of the most powerful leaders of the Yomuts of Khorezm. The latter took responsibility to defend Isfandiyār Khān's regime from the challenges to power posed by other Turkmen leaders.¹⁸¹ In exchange, Isfandiyār Khān delegated to him several powers. Furthermore, this allowed impose a number of exceptional taxes for the upkeep of his troops.¹⁸² Another reason for collecting such taxes was that, as shown by this document, the royal court issued a royal warrant that allowed the leaders of the Turkmen clans of Ushak to collect taxes from the population in order to meet expenses for their presence in the territory and their ammunition. The governor's report indicates that payment was the result of negotiations with the leaders of local communities, while the amount paid reflected the size of the local population and the latter's solvency. In this regard, the appellants objected to the payment of this tax thereby breaking the consensus of the local residents (*il ittifāqlārigha itmāy*) and jeopardizing the fulfillment of the instructions coming from Khiva. Together with the local headmen, the governor of Besh-Ariq invited the royal court to take

179 TsGARUz, f. I-125, op. 1, d. 498, ll. 89–89ob.

180 Russian soldiers were stationed within the territory of the Khanate of Khiva on a permanent basis in 1915 after the suppression of another major uprising of the Turkmen against the central authorities. See Becker, *Russia's Protectorates in Central Asia*, pp. 183, 185. In January 1918 all the Russian units headed by Colonel I.M. Zaitsev left the territory of the khanate on account of the intensification of the struggle for power between the Bolsheviks and their political opponents in Tashkent, as well as in other parts of the former Russian Empire. Ibid., p. 211.

181 Ibid.

182 How authorities in Khiva collected money and food from the population to the benefit of Junayd Khān and his army is described in details by Ḥasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fols. 98b–99a.

punitive measures (*jazā'*) against those who disobeyed warning that such a behavior might lead to deferral in the payment of such taxes or even to the residents attempting to recover what they had already paid.

Translation

Let it be known to the *yasāvulbāshī*, the refuge of the vizierate (*vizārat-panāh*), our lord, that representatives of one mosque community (*masjid qavmī*), namely 'Abd al-Rahmān, Allāh Birgān, Muḥammad Niyāz Khwāja, Īsh Niyāz, Qūsha Khwāja, and Muḥammad Ya'qūb Khwāja, had appealed (*'arż*) to the royal court (*darbār-i 'ālilārī*). They had stated that when the Yomut clans (*ṭā'ifalār*) were passing on the way to Bīsh-Ārīq, they requested that [the locals] should take over their expenses (*kharājāt*) and thus pay daily allowances (*chiqqūn-fulī*). The afore-mentioned Yomut clans (*jamā'alār*)¹⁸³ [claimed that] they can levy [such payments] from the localities in which they stop (*mihmān tūshgān yirdīn sūrāshsalār dīb*). Now I inform you about the situation. Since the treasury (*ghazīna*)¹⁸⁴ did not possess enough resources to cover the *chiqqūn-fulī* for the Russian soldiers (*ūrusīya 'askarlārī*), the royal court instructed (*nishāna*) the *āqā-nāibs*, and *āqsaqāl-kadkhudās* of Bīsh-Ārīq to collect the provisions (*kharjīlār*) from the [local] communities (*ilāt*) according to their size (*andāzasī miqdārīda*). Moreover, the Bik of Ūshāq [Turkmens]¹⁸⁵ together with Amān Niyāz Bik, who act on behalf of the Yomut clans (*jamā'alār*), reached Bīsh-Ārīq and, in accordance with the rescript (*fatak*) of the royal court, the *āqā-nāibs* should find a mutual agreement (*ittifāq ilān*) in order to cover the expenses [of the Yomuts] wherever they stay. In addition, the *bāys* and other residents (*fuqarālār*) were ordered [to pay] for their their ammunition (*bīsh-ātār*).¹⁸⁶ [That means] that all the expenses should be allocated

183 As noted by Bregel, Khivan sources lack a more or less systematic terminology to address the tribal segmentation of the Turkmens. This means that one term could refer to different units of the tribal structure. See, Bregel, *Khorezmskie turkmeny v XIX veke*, p. 18. For this reason, we render the terms *ṭā'ifa* and *jamā'a* in their conventional meaning of 'clan.'

184 This is a spelling variation of Ar. *khazīna* ('treasury'), which is also in use in modern colloquial Uzbek.

185 One of the main groups of the Yomut-Turkmens was the Bayram-Shali, a sub-group of which was called Ushak, see, Bregel, *Khorezmskie turkmeny v XIX veke*, p. 27. Contemporary sources point to this tribal group being headed by a *bik*. See N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Kh-ivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 26 ('Ushak-begi'); Hasan-Murād Laffasī, *Gulshan-i sa'adat*, MS Tashkent, IVANRUz, inv. no. 7797, fol. 84a (*ūshāq tūrasining muhrdār bigī*) and etc.

186 On the *bīsh-ātār* rifles as well as the ammunition taxes see above the footnote to Doc. 25.

upon a mutual agreement (*ittifāq itīb*) among each [administrative] unit (*vāhid*). All the residents, with the exception just of the afore-mentioned appellants, paid the state taxes (*manūt-i pādshāhī*) and the *chiqqūn-fulī*. And since the afore-mentioned petitioners rejected the communal consensus and behaved disobediently (*sarkashlik*), all the *āqā-nāibs* agreed to append their seals [on this notification]. If the afore-mentioned appellants are not be punished (*jazā'*) adequately, the payment of the taxes due to the tribes will be delayed (*ta'khīr tāpib*) and the residents too will take back what they have already paid. This sincere petition (*'arīza-yi ikhlāṣ*) was written on Jumādī al-avval 1336 [February–March 1918].

Seals: Muḥammad Yūsuf Bāy b. Pahlavān Maḥram

Ḥasan Āqā b. Khudāy Birgān Āqā 1336

Muḥammad Ya'qūb Bāy b. Ismā'il Jān Bāy

Atā Niyāz Bāy b. Muḥammad Niyāz Bāy 1317

Notifications

Document 37: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Assault and Robbery¹⁸⁷

Introduction

This is a notification by the provincial governor of Besh-Ariq about the settlement of a dispute prompted by a case of assault and robbery. The document shows that the governor summoned the parties and their representatives and obliged them to reconcile. The governor achieved the settlement of the dispute. He himself led the investigation, meted out punishment against the culprits, and collected compensation for the aggrieved party. This all happened without the involvement of jurists. The document is unclear about who initiated the investigation. Did the governor follow the instructions of the *yasāvulbāshī* or did he respond to an appeal directed to him? The document offers little evidence to solve these questions. As other documents in this section show, however, it is likely that provincial governors enjoyed powers to hear claims filed directly with them. It is important to note that, like in many other cases, this report emphasizes the participation of local constituencies in the settlement of the dispute (*ilātīnī nā'ib āqsaqāl kadkhudālārīnī ittīfāqlārī bīla*). One can argue that, by dint of their involvement in the resolution process, the representatives of social groups conferred on the settlement supplementary legal force. The stipulations of the settlement are unclear, though. The meager contents of the document and the terse nature of its prose suggest again that agencies in Khiva had little interest in the details of the process by which the dispute was settled.

Translation

Let it be known to the *yasāvulbāshī*, refuge of the vizierate, our lord (*āqā*), that I summoned the appellant (*‘arṣgūy*) – Qūsh Naẓar from Khwājaliq¹⁸⁸ – and the respondents (*da‘vāgarlār*)¹⁸⁹ – Qurbān Niyāz, Rūz Muḥammad, Ātā Murād, Tīngr[ī] Birdī, Allāh Birdī, Mavlām Birdī, Şābir, Qurbān Niyāz, Qūtlūq Murād, and Khwāja Dürdī. According to the appeal (*‘arṣ*), [the

¹⁸⁷ TsGARUz, f. I-125, op. 1, d. 498, l. 18.

¹⁸⁸ We have been unable to identify this locale.

¹⁸⁹ *Da‘vāgar*, evidently wrong here.

afore-mentioned ten individuals] had unlawfully (*bī vajh-i sharʿi*)¹⁹⁰ assaulted the appellant, injured (*jarāḥat*)¹⁹¹ [different] parts of his body, impaired (*maʿyūb*) one hand, and [also] robbed him of 2000 *manāts*. In agreement (*ittifāq*)¹⁹² with the *nāʾib* and the *āqsaqāl-kadkhudās* of the community (*ilāt*), I punished (*jabrlāndīm*) them and extracted from them 2000 *manāts*. The conflict (*daʿvā*) was solved (*khālīṣ ūtūb*) and the two parties were reconciled (*riḡālashtūrūldī*). This report (*khaṭ*) was compiled on the 8 of Noble Ramaḡān 1334 [08.07.1916].

Seal: Muḡammad Yūsuf Bāy b. Pahlavān Maḡram

190 In the original text of the record, *bī vajh-i sharʿ*.

191 See on *jarḥ* the footnote to Doc. 11, fn. 57.

192 *Ittifāq* in the original text of the record.

Document 38: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery¹⁹³

Introduction

In this notification the Besh-Ariq provincial governor (*hākīm*) Muḥammad Yūsuf Bāy informs the royal court about the outcome of an investigation of a case of robbery perpetrated against an individual from the locality of Sārt Ālācha. The aggrieved party himself followed the traces of the thieves, caught one of them and took him before a local official. The latter threatened to resort to corporal punishment. It is noteworthy that the term *siyāsāt* is here employed to refer only to violence exerted by a state representative. Under threat, the first suspect confessed his crime and provided the names of his associates. As the latter too were found and it was ascertained that the three men indeed perpetrated the act of robbery, the case was settled by the official representatives of a local community who arranged for a monetary compensation to the victim. The governor thus notified the office of the *yasāvulbāshī* and asked for further instructions. In so doing, he asked whether the thieves should be put under detention, sent to Khiva, or handed over to a guarantor. Presumably, the author inquired as the community's representatives must have suggested that a guarantor be involved so that the thieves would avoid further sanctions. The personnel of the *yasāvulbāshī* who filed this notification noted in the margin of the text that the thieves were first detained by the local governor and were later freed. It is noteworthy that this and other cases of robbery fell within the purview of the local governor, though Islamic legal theory (*furū' al-fiqh*) is adamant about ascribing such felonies to *qāzīs*.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate, our lord, that several thieves broke into the household (*havli*) of a certain Muḥammad Raḥīm, from Sārt Ālācha,¹⁹⁴ belonging to Sayyid Āqsaqāl's community (*qavm*), and stole 4 *bātman* of wheat, 4 dresses (*ishtūf*) and 4 silk robes. The owner of the house followed their traces and caught a certain Khwāja Niyāz whom he brought [to me; the thief's] associates (*yūldāshlārī*) [however] escaped. When I questioned Khwāja Niyāz about his associates and the stuff (*vajh*) they stole, I threatened to punish him with a stick (*tayāqlamāqchī būlūb siyāsāt itūb*). He confessed (*iqrār*) that his companions Tūra and Minglī took the afore-mentioned items and run away, while he [alone] was caught. Later I was able to catch his two associates and they too confessed.

¹⁹³ TsGARUz, f. I-125, op. 1, d. 498, ll. 57–570b.

¹⁹⁴ We have been unable to identify this locale.

With the disclosure of their offence (*ūghīrlīqī zāhir būlghānī ūchūn*), the *nāʿibs* and *āqsaqāl-kadkhudās* [of the community] arranged compensation to the afore-mentioned Muḥammad Raḥīm, which amounted to 400 *ṭillā* for the goods that had been stolen. In reporting about the crime (*jināyat*) committed by these thieves, I kindly ask you to clarify with a letter (*khaṭ bīla*) whether I should dispatch them to your office, or detain them here (*mūndā ūyga sālīb*), or hand them over to a guarantor (*kafīl*). This notification (*khaṭ*) was compiled on 25 *Zī al-qaʿda*¹⁹⁵ 1334 [22.09.1916].

Seal: Muḥammad Yūsuf Bāy b. Pahlavān Maḥram 1334

[Verso:] The thieves were detained at the residence of the provincial governor (*hākīmī ūzī sāqlāb*). It was [then] ordered [by the royal court] to free them.

195 In the original text of the record, *Zā al-qaʿda*.

Document 39: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Animal Theft¹⁹⁶

Introduction

The author of this notification is, again, the governor of Besh-Ariq, Muḥammad Yūsuf Bāy. The document reflects the solution of a case of animal theft in a rural environment. It shows how the investigation began with the victim hiring a scout to pursue the suspects. It was the self-same victim who then informed the community representatives (*āqsaqāl-kadkhudās*) and a local governor that by following the traces of his stolen horse, he could identify one of the suspects. The governor instructed a liegeman to bring the suspect before him. Once at the residence of the official a confession was extracted by violent means. The confession proved instrumental in identifying the associates of the first suspect, who gave a similar confession under duress. The governor proceeded to detain the thieves. In the attempt to recover the property of the victim, the official questioned them about the location of the horse. As the animal was no longer available to them – presumably, they had already sold it –, the governor arranged for a monetary compensation to the victim. As a result, the notables of the community to which the thieves belonged entrusted to the governor a sum that was sufficient to cover the horse's value and the expenses for the other individuals, i.e., the scout and the other *āqsaqāls*, who had been involved in the investigation. At this point, the governor notified the office of the *yasāvulbāshī* about the investigation and requested instructions regarding the payment and the measures of restraint to adopt for the thieves. The *yasāvulbāshī* instructed the governor to compensate the aggrieved party with 1200 *tillās*, to pay 300 *tillās* to the scout and to entrust the culprits to a guarantor (*kafil*). The value of the text lies in the fact that it clearly reflects how in the Khanate of Khiva the dispensation of justice was contingent on the involvement of governors and community representatives rather than the judiciary who, as in this case, are not even formally involved in the case. The text also shows that the victim of a theft was more than just a claimant who could only rely on officials who will investigate the case. By contrast, he himself played a decisive role as he initiated the investigation by hiring a scout for himself who would aid him to identify the thieves.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate, our lord, that a horse was stolen from the household (*ḥavli*) of a certain

¹⁹⁶ TsGARUz, f. I-125, op. 1, d. 498, ll. 59–600b.

Khawāja Murād from Sūsalāq,¹⁹⁷ belonging to the community (*qavm*) of ‘Āvaż Muḥammad Āqsaqāl. [The owner] together with a scout (*īzchī*) followed the traces of the horse which led to the house of Rūz Muḥammad Chūchī. Khawāja Murād, the horse’s owner, together with *āqsaqāl-kadkhudās* of that community (*ilātī*) came and reported to us about the event (*ḥādīsha*). I sent someone who brought Chūchī [before me] and I told him that the horse’s traces led to his house. [I have ordered] that he be lashed twenty-thirty times (*qāmchī ūrūb*) to force him to tell the truth (*rāstnī āytghan dīb*). [After that] Rūz Muḥammad confessed (*īqrār*) that, together with ‘Abd āl-Raḥīm, Yūsuf Khawāja, Abdāl Khawāja, and Allāk Tāynav [?], he opened one side of Khawāja Murād’s gate and drove the horse away. On the basis of his confession, [I have given instructions] to bring the afore-mentioned associates (*yūldāshlār*) who were already corporally punished (*siyāsat itūb*) and questioned. They too provided a confession which corresponded to the statement of Rūz Muḥammad Chūchī. In this respect, the afore-mentioned five thieves were detained (*ūyga sālīb*) and were instructed to find the horse and to be of some help. The thieves stated that there was no horse and there was no way to find it. Then I asked Khawāja Murād what price the horse was valued at. Khawāja Murād answered that once he had been asked to sell his horse for 1200 *ṭillā*, but he had refused to do so. As a result, the *āqsaqāl-kadkhudās* of the Ḥasan Aqā Bābā community (*ilāt*) took from the five thieves the sum of 1200 *ṭillā*, as a payment for the horse, and 300 *ṭillā* for the scout as well as other expenses met by the *kadkhudās*. I took the total sum of 1500 *ṭillā* and kept it here with me. Now in informing you, I kindly ask you to clarify with a letter (*khaṭ bīla*) whether I should pay to the owner of the horse, the scout, and the *kadkhudās* what is due to them and take over also the other expenses; whether I shall detain (*ūyda sāqlānīb*) the thieves or let them out on a guarantor (*kafīl*); and whether I should send all of them together with the total sum of money to your office. This notification (*khaṭ*) was written on 25 Zī al-qa‘da¹⁹⁸ 1334 [22.09.1916].

Seal: Muḥammad Yūsuf Bāy b. Pahlavān Maḥram 1334

[Verso:] An order was issued that 1200 *ṭillā* be given to the owner of horse and 300 *ṭillā* whom it was due; the thieves should be let out on a guarantor.

197 We have been unable to identify this locale.

198 In the original text of the record, *Zā al-qa‘da*.

Document 40: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Armed Robbery¹⁹⁹

Introduction

Ismā'īl Khwāja b. Ibrāhīm Khwāja, a governor of Hazarasp, was informed about a case of armed robbery, which led to the murder of one person and the injury of several individuals. Without receiving instructions from the royal court, he initiated an investigation. Following a procedure that was typical of murder cases, the governor acted in cooperation with local *qāzīs* and appointed two trustees who went to the locale and gathered information. The following day the resident of another nearby locale was recognised as one of the culprits. The boy was detained, a fact that prompted his associates to attempt to free him at gunpoint. Local notables, however, were able to hand the boy over to the governor. After questioning him, Ismā'īl Khwāja established the involvement of the boy and his associates in the murder under investigation. One such associate, a certain Šafā was found in possession of weapons. A further series of hearings that involved the representatives of local constituencies helped the governor establish that Šafā was at the head of a group of outlaws consisting of 15–20 people who had committed other crimes. Ismā'īl Khwāja thus handed over the offender over to a policeman (*mīrshab*) for temporary detention and dispatched the other associates to the royal court for further inquiries. The notification does not mention any hearing held at the court of the *qāzīs* and it seems, instead, that it was the provincial official who independently from other institutions initiated and led the preliminary investigation.

Translation

Let it be known to the *yasāvulbāshī*, refuge of the vizierate, our lord, that this year²⁰⁰ on 3 Jumādī al-šānī I was informed (*khavar*) that the night before unknown people killed one Khudāy Bīrgān b. Ismā'īl in the locality (*mawzi'*) of Chavāndūr. Thereafter I and the *qāzī-īshāns*, the banner of Islamic law, [appointed] two trustees (*amīnlār*) and dispatched them to that locale. The trustees together with the *kadkhudā-āqsaqāls* and other representatives of the local community (*īl-ādamlārī*) reached the place [of the crime] and inspected it. They found out that somebody had broken open the door on the southern side [of the house], knocked down the door in the vestibule (*dahlīz*) and killed the afore-mentioned [Khudāy Bīrgān b. Ismā'īl]. When they examined the body of the slain man (*maqtūl*) they noticed that the top and left parts of his

199 TsGARUZ, f. I-125, op. 1, d. 498, ll. 33–33ob.

200 Due to damage at the end of the document we have been unable to identify the exact date of the events described.

head had been injured (*jarāḥatdār*). [The trustees and the others proceeded to question the relatives of the deceased:] the son of the slain man, Birdī Shukūr, his wives, Dar Jān Bika and Jum'a Bika, and his daughter, Rāziya Bika. [All these individuals] explained that 15 unknown people had broken into the house and committed the offence. Birdī Shukūr's two temples and his forehead were injured. The head of his wife, Zulaykhā Bika, was also injured. And Rāziya Bika's left hand was injured as well. They were all questioned whether they knew someone among the [15 individuals] whom they mentioned, but they answered that they were unable to recognize anyone. [The relatives of the slain man] also stated that [a number of items] were stolen: Birdī Shukūr's 10 *bātman* of grain, 20 *ṭillā* in *manāt* paper money; Rāziya Bika's one Turkish veil (*amūrgānī rūymāl*),²⁰¹ 1 *tirmā* [?], 6 pairs of veils, 7 pairs of striped veils, 3 *yalāk* [?] made of silk, 2 dresses (*kūynāk*); 2 *ṭillā* in coins and 40 *ṭillā* in *manāt* paper money which belonged to their father, and 2 quilts. Khudā Shukur, [another] son of the slain man, informed [the trustees] that they stole from him approximately 30 *bātman* of grain. This is the state of the case (*ṣurat-i vāqi'a*). Then, on the fourth day of this month, on Tuesday evening before the bedtime prayer (*khuftan*), one boy (*bala*) came to the house of a certain Muḥammad Jān Qara Qurbān Kharrāt ūghlī, in the locality of Ātāliq. He cried that he was an orphan from Bīk Ābād²⁰² and that nobody ever gave him a place to stay. It was then that Muḥammad Ya'qūb the *mu'azzin* [recognised this boy] as a very dangerous thief from the land on the right bank of the Amu Darya (*Āryāqlī*). Muḥammad Ya'qūb explained that the boy is known to him because of dealings he had at the market on the right bank of the Amu Darya. As a result, the boy was brought to the local sheriffs (*il-qarāvullārī*). The latter drove him to the local elders (*il-kadkhudālārī*). While [the elders] were holding a reception at the house of a certain Bābā Jān Shaykh, a woman (*nāchāra*) came from the inner quarter (*īchkarīdīn*)²⁰³ and warned that the house was surrounded by horsemen and two of them had already climbed on the roof. When the elders

201 *Amūrgān* was a neighbourhood in Istanbul, see F. Steingass, *A Comprehensive Persian-English Dictionary* (London: Routledge&Kegan Paul Limited, 1963 [first ed. 1892]), p. 102. It may also be that *amūrgān* refers to the American type of cotton, which was introduced in Central Asia in the wake of the Russian conquest.

202 The term refers to the locale of Bekabad (in the local Khorezmian dialect, pronounced as Begovat), that Bregel located 7 km west-southwest of Urgench, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 587, note 387.

203 In early 20th-century Central Asia houses were divided by a wall which prevented men who were not agnatic members of the family (*nā-maḥram*) from entering into contact with the female members of the family (*maḥram*). This space of seclusion was called *īchkarī* (inner quarter), see D. Northrop, *The Veiled Empire: Gender and Power in Stalinist Central Asia* (Ithaca ad London: Cornell University Press, 2004), p. 365.

went out they saw that two horsemen and several footmen were ready to storm (*hujūm*) the house and free the boy. Thereupon [the elders] got frightened, locked the gates and sat out in wait. On the next morning the elders brought [the boy] to me. When I asked him what his name was, he answered that he was Rajab Qurbān Niyāz ūghlī, from the lineage (*tira*) of ‘Avaz Bakhshī²⁰⁴ and that he came from the county (*būlūshī*) of Tūrtkul²⁰⁵ [damage in the text]. One month earlier he had crossed [the Amu Darya river] over to this bank and ever since he has been committing robbery here together with Qūybāq Qazāq, Bāy Nazar, Jum’a Niyāz from Shirshālī, Khwāja Niyāz, Muḥammad Šafā, Sayyid Murād and a certain Šafā from Chavāndūr. He also explained that this latter Šafā from Chavāndūr carries a gun and cartridge cases. We thus sent [our] men after Šafā and found him alongside with a black rifle, a pistol (*tufāncha*) and 23 bullets for Berdan [rifles] (*birdānka ūqī*).²⁰⁶ As they took him before us, we asked Šafā where he had acquired all this. He answered that the year before, while he was aiding Russian soldiers (*rusiyya ‘askarlārī*) [to reach the locality of] Tāsh-Saqā²⁰⁷ with his cart, he could purchase [the weapons] from one soldier for 1 *manāt*. Then 2 months ago he took this gun and the pistol which had been left in the custody (*amānat*) of his relatives, namely Ḥājji ‘Abd Allāh, Ḥājji, and Niyāz Muḥammad in the settlement (*manzīl*) of Āq Qamīsh²⁰⁸ in *āryāq*, with the consent of the representatives and the elders of the community

204 The term *bakhshī* occurs often in Khorezmian sources written in the 19th and the early 20th century and it usually couples with the names of the headmen of several Turkmen tribes. According to Bregel, this term was in use especially among the Yomut Turkmens of Khorezm, see his *Khorezmskie turkmeny v XIX veke*, pp. 124–125; 128–129. One could therefore infer that the boy belonged to a group of Yomuts.

205 Turtkul, or Petro-Aleksandrovsk, was the administrative center of the Amu-Darya Department (*otdel*), i.e., the part of the Khivan Khanate, which was conquered by the Russians and included into the Governorship-General of Turkestan in 1873. The Amu-Darya Department was established as an administrative unit on August the 21st 1873 and it was located circa 40 miles from Khiva. For more on this subject, see the introduction to this volume.

206 *Berdanka* is the colloquial form for the Russian rifle invented by the American colonel Hiram Berdan in 1868. See also above, the footnote to Doc. 25.

207 In 1828 Allāh Qulī Khān found on the locale of Tūyūklī on the west bank of the Amu Darya a stony base where to erect a new and more resistant sluice gate of the Palvan-Yab canal. The place was renamed Tāsh Saqā, lit. ‘canal’s stony sluice gate.’ People began to use this term with reference also to the surrounding areas, including the elevations situated on the south-eastern fringes of the Khoresmian oasis, see Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, pp. 142, 220, 265. Tāsh Saqā is situated close to Hazarasp.

208 The Āq Qamīsh tract is located on the right bank of the Amu Darya, south-east of Petro-Aleksandrovsk, in one of the crossing points of the river on the route from Bukhara to Khiva. It is therefore situated on the opposite side of Tāsh Saqā.

(*il-ādamlārī ilān kadkhudālārīnī sūzī ilān*) [of that locality]. When I asked him about the patronymics [of the people who kept the weapons] he was unable to answer. He then stated that he carried the weapons through Hazarasp and no one knew about it. We verified his statements with the representatives and the elders of the community; the latter answered that they never told him to keep the weapon (*miltūq*) and knew nothing about this weapon. Thereafter, we summoned Jum'a Niyāz, Khwāja Niyāz, Muḥammad Ṣafā, Sayyid Murād and Ṣafā, a knife grinder from the locality of Shirshālī in Chavāndūr and showed them to the boy, who could not recognize anybody except for Ṣafā from Chavāndūr. We then questioned the afore-mentioned [Ṣafā], but he denied (*munkir*) [everything]. The afore-mentioned boy, whose name was Rajab, said to [Ṣafā]: 'every day early in the morning (*har āqshām*) you took me to the shore of the lake in Āq Maydān and brought me back on horse every evening at the bedtime prayer (*namāz-i shām*). And we also went together to the house of the afore-mentioned slain man, and while I was looking after the horses, my accomplices tumbled down the door and entered into the house. Then there was a scream, but I didn't know [precisely] how things went.' We thus asked him how many people [were involved] and he answered that he was in a group of twenty. He also told us that Qūybāq Qazāq gave him 3 *manāt* and sent him to steal the horse of the afore-mentioned Muḥammad Jān Qara and it was Ṣafā who showed us the house [to raid]. Let it be known [to the *yasāvulbāshī*], that we also questioned the boy about various horses and houses which were recently robbed in Hazarasp, and he answered that they stole them and provided evidence (*alāmat*) [for the robbery]. This is the state of the case (*ṣurat-i vāqī'a*). On the basis of the evidence which Rajab the boy produced, we handed over Ṣafā to the policeman (*mīrshab*). The rifle, the pistol and the 23 cartridge cases, which we found together with Rajab the boy, were put on a horseman and sent to your office. This missive (*maktūb*) was written on 15 Jumādī al-ṣānī 13 (?).²⁰⁹

Seal: Ismā'īl Khwāja b. Ibrāhīm Khwāja²¹⁰

²⁰⁹ A damage in the text.

²¹⁰ Sayyid Ismā'īl Khwāja was governor of Hazarasp and the elder brother of the grand-minister (*vazīr-i akbar*) Sayyid Islām Khwāja (d. 1913), see also the footnote to Doc. 24.

Document 41: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery and Assault²¹¹

Introduction

An *āqsaqāl* informed the governor of Khanqah about a case of robbery and assault, the victims of which suffered heavy bodily injuries. The governor initiated the investigation by instructing the *qāzīs* to collect circumstantial evidence about the case and report to him. Around the time when the governor received said report, one of the victims died of his injuries. An unexpected development of the investigation occurred when someone who was not involved in the case found that the robbers had hidden the loot in his shed. He decided to bring the loot to Khanqah where one of the victims of the robbery recognised the goods as his possessions. The governor hired a scout²¹² who tracked the three thieves. The culprits were detained and brought to Khanqah where the governor questioned them. However, the suspects denied any responsibility. In the meantime, the officials representing the communities to which the three thieves belonged appealed officially to the governor. They asked him to intercede to the royal court in order to impose capital punishment upon them. Interestingly, they did so by claiming that they would not be able to enjoy a peaceful life (*farāghat*), should these three men be left free. The latter were known to be repeat criminal offenders, who had already shown themselves to be particularly skillful in avoiding sanctions. The governor took a pragmatic course of action: he requested that the *yasāvulbāshī* explain to the head of the Qonghrat principality that, if released, the culprits would certainly commit the same crimes again and cause great disturbance to the local populace. Proceeding from this, he requested that they be executed.

This document clearly exemplifies the limitations of governors' powers in the process of conflict resolution. They could initiate investigations, which consisted of collecting information from the victims and testimony, as well as detain the suspects and question them. Governors could also request, if they deemed it necessary, the help of the representatives of the local communities, the *āqsaqāls* and the *qāzīs*. However, when they had to take a final decision on the case and mete out punishments to offenders, they inevitably had to consult agencies in Khiva and ask further instructions.

211 TsGARUZ, f. I-125, op. 1, d. 498, l. 97.

212 The investigation here clearly consists of the activity of path-finding. See, in particular, TsGARUZ, f. I-125, op. 1, d. 498, ll. 100–100b: a case of horse theft which was investigated only by way of path-finding.

Translation

Let it be known to the office of *yasāvulbāshī*, the recipient of the state's trust (*mu'tamad al-dawlat*) and the confidant of the ruler (*muqarrab al-ḥaẓrat*), our lord, that at the end of Jumādī al-sānī, on Thursday early in the morning (*āzānda*) Jabbār Birgān Āqsaqāl, from the mosque [community] (*maṣjid*) of Mullā Muḥammad Raḥīm in Jingān,²¹³ came and informed [me] that during the night [several] thieves broke into the house of a certain Īsh-Jān. They broke Īsh-Jān's hand and beat his brother Qul Muḥammad on the head with a cane and cut his flesh with a knife. [Also,] they took away all his possessions from the house. Immediately after [that], I instructed the *qāẓī-īshāns* to go [there]. Two hours after the *qāẓī-īshāns* came back with a written report on the case (*sūrat-i vāqi'alārīnī khaṭ*), the afore-mentioned Qul Muḥammad died. Informed [about this], I ordered the *qāẓī-īshāns* to send someone (*kīshī*) to deal with the burial of the deceased man. Later I had someone appointed as a scout (*īzchī*) and sent him [after the thieves]. At mid-day Muḥammad Ya'qūb Khwāja, the administrator of an endowment (*mutavallī*), together with 'Abdullāh brought some goods on a camel. In the presence of the Khanqah elders (*yāsh-kattalār*) I examined them. I [thus] instructed a man to go and bring the afore-mentioned Īsh-Jān with his people over [to me]. When they were shown those goods, they recognised them as their own possessions. For this reason, before the Khanqah elders and at the presence of the communities' (*ilāt*) *kadkhudās*, the goods were entrusted to Jabbār Birgān, the *āqsaqāl* of his [Īsh-Jān's] the community. Then, I questioned Muḥammad Ya'qūb Khwāja where he had found such things. 'Abdullāh Khāmbāsh answered that on his land which abuts on the southern side (*qibla*) of his household, there was a shed (*dūlā*). When he went there to collect some tools for agriculture, he noticed that inside there were laid a few [other] things. He then went to Muḥammad Ya'qūb Khwāja and informed him about this. Later he came back there and examined [those items] together with [Muḥammad Ya'qūb] Khwāja who decided to load them on a cart in order to bring them to the governor's residence (*bāy āqānī ḥavlisīgha*). At once he took his camel, loaded the goods, and brought them here. The scout came back. At first he began to follow the traces leading to the shed where the goods were found, and then he moved on and reached the house of a certain Qurbān Bāy from Qiyāt²¹⁴ and Hamrāh. [They] took [2 men] out from their place. [The scout then followed the traces leading] to

213 We have been unable to identify this locale.

214 Qiyat is located 30 km north of Khiva, see Bregel, *An Historical Atlas of Central Asia*, p. 67 (map 33).

the house of [another] thief, a certain Muḥammad Sharīf from Nawkhās.²¹⁵ [At this point], the scout established that these three men were the thieves. He handed them over to my assistant (*khizmatkār*), who was accompanying him and brought them all [before me]. When I questioned the three men, they all denied (*inkār*) [the felony]. I inform your office that the thief Muḥammad Sharīf had previously gone to Khiva [as defendant] a number of times and remained unpunished. The *kadkhudā-āqsaqāls* of [Muḥammad Sharīf] together with the *kadkhudā-āqsaqāls* and the community [representing] the thieves Qurbān Bāy and Hamrāh have come [here] and requested (*arʿ*) that I intercede to the noble office of our sovereign (*khizmat-i humāyūnlārigha āytib*) [and explain] that if these three men will not be put to death (*ūltūrtūrūb birmāsangīz*), the [appellants] would not be able to leave in peace as ordinary subjects (*fuqarā būlūb*). For this reason, I inform you that I hope that you intercede to the noble office of our sovereign and proceed to execute them (*ūltūrmākgha taraddud*²¹⁶ *qūlsalār*). If you let [these thieves] free to return [home], their people (*īlāt*) and the other residents (*fuqarālār*) will not be living in peace. I thus sent these three men, the written report of the *qāzī-īshāns* about the state of the case and this notification via the Qarāvul Qahqa Bik from Khānqāh. This is the state of the case, which was compiled and handed over to your office on 5 Rajab 1336 [16.04.1918].

Bikjān Bāy Ḥājji Muḥammad Yār Qāzī ūghlī, Allāh Birgān Kavādan ūghlī, Ḥājji Karīm Qūlī Tūrsūm Bāy ūghlī, Najm al-Dīn Allāh Birgān Ḥājji ūghlī, Yūsuf Bāy Ḥājji Iskandar ūghlī.

Seal: Āqmuhr Ḥājji Muḥammad Bāy²¹⁷

215 Nawkhast was located 7,5 km southwest of Khanqah, see *Khiva khonligida feodal yer egaligi va davlat tuzilishi*, p. 593, note 408; Danilevskii, *Opisanie Khivinskogo khanstva*, p. 249.

216 In the original text of the record, *taraddūd*.

217 On Ḥājji Muḥammad Bāy b. Amīn al-Dīn Bāy, the governor of Khanqah, see above, Doc. 26, fn. 136.

Document 42: A Notification by *qāzīs* to the *yasāvulbāshī* about a Case of Domestic Violence²¹⁸

Introduction

This is a judicial notification, which the *qāzīs* of Khoja-eli addressed to the *yasāvulbāshī*. It recounts the unsuccessful outcome of a hearing and the attempt to mete out a punishment. In the wake of an assault and bodily harm, a woman appealed to the provincial governor of Khoja-eli. The latter instructed an attendant to bring the two parties before the *qāzīs*. As the defendant admitted the assault, the judges proceeded to appoint a woman trustee to examine the body of the claimant and assess the presence of injury. The examination disclosed various instances of bodily harm and the *qāzīs* consulted with a *muftī* who opined that the defendant should be punished. When the *qāzīs* intended to put in practice the opinion of the jurist, the defendant questioned the authority of the jurors and left the hearing. With regard to the intentions behind the production of this document, it is unclear whether it was the *qāzīs* who felt obliged to inform agencies in Khiva about the unorthodox behavior of the defendant. One should not exclude, however, that the claimant might have an interest in the acquisition of such a document from the *qāzīs*, especially if the claimant attempted to pursue redress with the office of the *yasāvulbāshī*. Be that as it may, this certificate clearly shows that the defendant had acknowledged his unlawful behavior and evidently the woman could use this document as a supplementary evidence to produce during a new hearing. Regardless of the fact that the document reflects the outcome of a hearing held by *qāzīs*, it was the governor of Khoja-eli who initiated the process of conflict resolution and instructed the jurists to hear the case.

Translation

Let it be known to the office of *yasāvulbāshī*, banner of glory, our lord, may his power increase, that a certain woman (*musammāt*) called Ḥanifa Bika, from the Shīrīn mosque community (*masjid qaymī*) in [the district of] Khoja-eli,²¹⁹

²¹⁸ TsGARUz, f. I-125, op. 1, d. 498, l. 29.

²¹⁹ Khoja-eli is a city located on the left bank of the Amu Darya. The northern part of the city is close to the lower delta of the Amu Darya where the river divides into a number of emissaries. In the 17th century the city changed its appearance several times due to changes in the course of the Amu Darya and the subsequent resettlement of various tribal groups in the lower delta of the river and the formation of the so-called Aral province. See Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 211; B.V. Andrianov, "Etnicheskaiia territoria karakalpakov v severnom Khorezme, (XVIII–XIX vv.)," in *Materialy i issledovaniia po etnografii karkalpakov. Trudy Khorezmskoi arkheologo-etnograficheskoi ekspeditsii*, 111, ed. T.A. Zhdanko (Moscow: Izdatel'stvo Akademii nauk SSSR, 1958), p. 45. According to Kuhn, in the second half of the 19th century, Khoja-eli

appealed (*ʿarż*) to the governor (*ḥākim*) and claimed that her husband, a certain Ṣādiq, unlawfully (*bī vajḥ-i sharʿī*) assaulted her, causing injury (*jarāḥat*). [The governor] dispatched an attendant (*yasāvul*) [to the locality], [instructing him] to find the husband and deliver the two parties to us [the *qāżīs* of Khoja-eli]. Later, when we questioned the man, he admitted (*muqīrr*)²²⁰ the assault. Then we appointed a faithful and pious woman (*mūʾmina va muta-dayyina bir khātūn*) as trustee (*amīn*) [and instructed her] to examine [the body of] the afore-mentioned [claimant]. The trustee informed us that indeed in various parts [Ḥanīfa Bika] showed signs of bodily harm. We [therefore] decided that the [case] of this woman represents a juristic case (*masʾala*). As we were putting in practice (*ʿamal*) the opinion of the *muftī* and thus intended to inflict a punishment (*taʿzīr*) according to Islamic law (*sharʿat parmāyishī*)²²¹ *bīla*), the defendant stood up and said: 'No!' Then he left [the hearing]. This alone is what occurred before us. No financial issues (*fūl-tanga ḥāditha*) [were discussed]. The event was recorded.²²²

Seals: Qāżī²²³

Qāżī-yi Khwāja Īlī²²⁴

Qāżī-yi Khwāja Īlī Dāmullā Muḥammad Ṣāliḥ Khwāja

Qāżī-yi Khwāja Īlī Dāmullā Bābā Jān Khwāja

was a relatively important settlement surrounded by a fortified wall with more than 200 shops and 16 mosques, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 52.

²²⁰ *Muqīrr* in the original text of the record.

²²¹ This is a spelling variation of *farmāyish*.

²²² The document lacks information on the date of its compilation.

²²³ We have been unable to decipher the seal.

²²⁴ We have been unable to decipher the seal.

Document 43: A Notification by a Provincial Governor and *qāzīs* to the *yasāvulbāshī* about a Man's Death²²⁵

Introduction

This document is a notification, which the governor of Urgench and 2 *qāzīs* addressed to the *yasāvulbāshī*. It offers an account in succinct fashion about the death of a man from Gurlen who had come to Urgench to seek redress. While the man was traveling, he fell mortally ill and sought shelter at the place of an acquaintance. When the latter felt that the man's death was imminent, he sought the advice of the governor and the judges in order to avoid possible claims directed against him. The governor together with two jurists proceeded to instruct two trustees who, in the presence of the elders of the local community, listed the possessions of the man. At that point, the man left Urgench and headed back home. But *en route* he died. The agencies in Urgench took care of the funeral ceremonies and the burial. The possessions of the departed were entrusted to a corpse-washer. The production of this notification followed a course of action undertaken by the relative of the departed. It is, however, possible that, as all the officials were held accountable to the administrative center of the khanate, the governor and the *qāzīs* felt pressed to inform authorities in Khiva.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate and repository of nobility, our lord, that Muḥammad Ya'qūb Īsh Muḥammad ūghlī from Gurlen, who is a member of Bābā Jān Yūzbāshī's community (*qavm*), came to Urgench to claim redress (*ṭalabkārliḡhī qīlib*), but he fell sick. He thus repaired to the house of his acquaintance, a certain Vays Bāy from Urgench, a member of the Khwāja Fārsā community (*qavm*). In this respect Vays Bāy informed me and the *qāzī-īshāns* that Muḥammad Ya'qūb was ill and he was laying at his place. As a result, together with the *qāzī-īshāns*, I dispatched two individuals (*ādam*) to Vays Bāy's place to question Muḥammad Ya'qūb and clarify whether he had unpaid credits and other possessions. Muḥammad Ya'qūb answered before the community's elders (*qavm āqsaqāl-kadkhudālārī*) that he possessed nothing except 8 *manāt*, 1 sickle and 1 donkey. He then rode out on his donkey, but *en route* to his home he died. That happened at the time of the midday prayer (*fishin*).²²⁶ As the information came, the *qāzī-īshāns* appointed a trustee (*amīn*) and I appointed another, [and the two of them] brought the corpse washers (*yūghūchilār*). The latter prepared a funeral ceremony, read

²²⁵ TsGARUz, f. I-125, op. 1, d. 498, ll. 38–37.

²²⁶ Spelling variation of *peshin*.

the *jānaza*-prayer, and buried him (*dafn*) [under] the protection (*amānat*) of Qarā Ālam Bābā, peace be upon him. I entrusted the donkey and the sickle of the departed as well as his 8 *manāt*, 3 old robes, an old caftan, and a hat (*jūkirma*) to the corpse-washer Khudāy Bīrgān. We wrote this report (*khaṭ*) to inform your office about the state of the case on Sha'bān 1335 [May 1917].

Seals: Allāh Bīrgān (?) b. 'Abd al-Raḥīm Bāy

Qāzī-yi Ūganch Dāmullā 'Aṭaullāh b.²²⁷

Qāzī-yi Ūganch Dāmullā Ātājān b. Bābā Şūfī-yi marḥūmī 133[?]

²²⁷ We have been unable to decipher the seal.

Document 44: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Bride-Kidnapping²²⁸

Introduction

Three representatives of a community (*ilāt*) in the locality of Qara-Mazi informed the governor of Khanqah about the detainment of a boy and a girl. According to their report, the two had come to the locality, but the status of their relationship aroused the suspicion of the local population. The governor questioned the couple and was able to establish that it was a case of bride-kidnapping: the young man had kidnapped the girl in Tashhawz and was heading to a relative of his in the province of Khanqah. On account of such circumstances the governor first summoned the father of the girl and then decided to dispatch the parties to the royal court in Khiva. This document evidently reflects the outcome of a preliminary investigation which the official led autonomously in the province.

Translation

Let it be known to Amān Kildī Bāy Yasāvulbāshī, refuge of the vizierate and repository of nobleness, our lord, that on 16 Shaʿbān Jabbār Bīrgān Āqsaqāl, Tangrī Bīrgān Bāy, and Ūstā Yaʿqūb from Qara-Mazū²²⁹ have captured and brought [to me] a [young] woman (*nāchār*) and a young man (*yigūt*). They informed me that these two [individuals] had visited their community (*ilāt*) and were treated as guests. But, regarding their behavior as inappropriate (*yūrūshlārīnī nāqūlāy kūrūb*), the [elders] detained them. For this reason, I questioned these two runaways (*qāchqūnchilār*) [and I found out that] the young man kidnapper comes from Tāshhāvuz, whereas the girl (*qīz*) is from Manāq. When the afore-mentioned girl came to Tāshhāvuz to visit her grandfather Khudāy Bīrgān Chūychī, the afore-mentioned young man from Tāshhāvuz, whose name is Iskandar, kidnapped (*ālīb qāchīb chiqīb*) the girl and kept her at his household (*jāy*) for two months. Afterwards he took her to the boat (*kīma*) of a certain Āta Murād from Chātkūfrūk,²³⁰ proceeded to a place close to Qara-Mazū, and when he was heading to the place of his relative (*qarīndāsh*), a certain ʿAbdullāh, in the province (*tābīʿ*) of Khanqah, he had already arranged that all his possessions be sent to the same place. [Then] we asked the young woman whether she was married or [simply] engaged to this

²²⁸ TsGARUZ, f. I-125, op. 1, d. 498, ll. 46.-46ob.

²²⁹ Qara-Mazi is a settlement located circa 7 km east of Urgench and circa 7 km northwest of Khanqah. In the middle of the 19th century it consisted of 200 households, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 601, note 503.

²³⁰ We have been unable to identify this settlement.

man (*san kīshīgha nikālī*²³¹ *yā-ki fātiḥalī irdīngmū*). She answered that she was neither married nor engaged to anyone. For this reason, we summoned the girl's father from Manāq and we sent them and the young man Iskandar, who had kidnapped the girl, all together, to your office. Now we rely on your mercy (*miḥrabān*) as you know best. This letter (*khaṭ*) was written on 18 Sha'bān 1334 [19.06.1916].

Seal: 'Abd al-Raḥīm Bay b. Muḥammad Yūsuf Baqqāl

231 Spelling variation of *nikāḥlī*.

Document 45: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Bride-Kidnapping²³²

Introduction

In this document the governor of Ghaziabad informs the *yasāvulbāshī* about the settlement of a dispute achieved by a certain Qurbān Muḥammad Sardār.²³³ This mediator was, in fact, no one other than Junayd Khān, the famous leader of the Turkmen Yomuts. Junayd Khān played an important role in the political events of the second decade of the 20th century, when after January 1918, he became the *de facto* ruler of the khanate and left only formal powers of government to Isfandiyār Khān in Khiva.²³⁴ Junayd's stronghold was situated in the lower reaches of the Ghaziabad canal, in the locality of Bedrikent close to the settlement of Takhta. The latter functioned at that time as the alternative capital of the Khanate of Khiva.²³⁵ Takhta was close to Ghaziabad where the appellants mentioned in this document attempted to seek redress from Junayd Khān. The dispute that he was called to solve was the following. A woman initiated a divorce with the consent of her husband. After that, her relatives and the members of her community determined the amount of her liability (*naḥaqa*) to be paid by her former husband during the waiting period (*ʿidda*), that is until the moment when she would be wedded to another man. However, during this waiting period, she was kidnapped by another man. The representatives of her community as well as her relatives appealed to Junayd Khān and requested the woman's return. It is important, of course, to note that the appellants referred in this case not to the agencies in Khiva, nor to the local governor who would usually deal with such cases. Instead they sought help from Junayd Khān, apparently regarding him as a source of greater authority and a man who had all the resources to solve this case of bride kidnapping.

Translation

Let it be known to the *yasāvulbāshī*, banner of glory, our lord, that when I was at the place (*jāyidā*) of Qurbān Muḥammad Sardār-Āqā, the inhabitants (*fuqarālārī*) of Ghāzī-ābād appealed (*ʿarż ītib*) to Sardār-Āqā [stating that] the husband of Ūstā Muḥammad Niyāz's daughter divorced (*āyirib*) his wife by his own will (*ūz riżālīqī bīla*). Her community (*ilātī*) and her relatives determined her [waiting-period] maintenance (*naḥaqa*) for Mullā ʿUthmān. [But]

²³² TsGARUz, f. I-125, op. 1, d. 498, l. 48.

²³³ According to Bregel', the term *sardār* was employed to denote the leader of tribal units as well as the elders of Turkmen tribes. It also had the wider connotation of military leader. See Bregel', *Khorezmskie Turkmeny v XIX veke*, pp. 132–133.

²³⁴ See the Introduction to this volume (pp. 17–19) as well as Docs. 24, 36, 61.

²³⁵ Becker, *Russia's Protectorates in Central Asia*, p. 221.

a certain Jum‘a Niyāz from Nawkhāş kidnapped the woman. Now the people request that the woman be found and returned to the people responsible for her (*igāsīgha qūshūb*) as well as that the royal court be informed. This letter (*khat*) was compiled on 26 Jumādī al-avval 1336 [09.03.1918].

Seal: ‘Abd al-Karīm Maḥram b. ‘Abd al-Raḥīm Maḥram 1331

Document 46: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery and Homicide²³⁶

Introduction

This document sheds light on a case of robbery in a private household, which ended with a death. As soon as he was informed about the case, the governor of Khanqah sent his representative together with a trustee of the *qāzīs* in order to inspect the corpse and the murder scene. It is important to note that after this procedure, the relatives were allowed to perform the funerary rituals. If we consider that according to local practices, the corpse of the departed had to be buried in the shortest possible time, we can infer that the procedures of investigations initiated by the governor had to work efficiently. Once the corpse was inspected and the murder scene examined, it was decided to use a scout who could determine the place where to apprehend the robbers – in this case the house of a certain ‘Abdullāh from Būyqazāq. Since the suspects were found within the jurisdiction of the neighbouring province of Besh-Ariq, the governor of Khanqah sent a notification (*fatak*) to the Besh-Ariq governor as well as two liegemen to apprehend the suspects. The latter were then escorted to Khiva by the *āqsaqāls* of their community and a local *qāzī*. The same document also illuminates another case of robbery. It provides detailed information about the preliminary investigation, the apprehension of the suspects and their escort to Khiva. It is important to note that even a cursory comparison between this and other documents shows the complex set of procedures that officials on the spot were expected to follow, a fact suggesting the existence of clear instructions issued by agencies in Khiva to the individuals representing the authority of the royal court in the territory of the khanate. Despite the established procedures regarding the investigation of robbery and murder cases, we observe an important difference among the courses of action taken by the various officials. It seems that in certain cases provincial governors were free to lead the investigation, question the suspects, resort to violence (*siyāsat*) against them and take a final decision on the case. In other cases, governors felt obliged to send the suspects directly to the royal court in Khiva for further investigations. The documents do not provide enough information to establish the specific circumstances that prompted the application of such procedures. However, it is important to appreciate the fact that the report of the governor makes it clear that it was the appellants from Khanqah who requested the direct involvement of the royal court and explained the necessity of severely punishing the offenders to prevent the reiteration of such felonies.

²³⁶ TsGARUZ, f. I-125, op. 1, d. 498, l. 78.

Translation

Let it be submitted (*ma'rūẓ*) for consideration to the office of the *yasāvulbāshī*, the recipient of the state's trust and the confidant of the ruler (*muqarrab al-ḥaẓrat*), our lord, that on 3 Jumādī al-ṣānī a certain Sātim and Atā Jān from Qūlān Qara Bāghlī,²³⁷ who belong to the mosque (*masjid*) [community] of Ḥaẓrat-i Pahlavān informed me that [a band of] thieves broke into the house of Muḥammad Ya'qūb Āqsaqāl during the night and one of them climbed on the roof. [At that time], Muḥammad Ya'qūb Āqsaqāl's son was on the roof watching over (*qarāvullīq*) [the house]. [The thieves] strangled him, and came down into the house, and stole the household goods. In another room a woman (*nāchār*) and the youngest son of Muḥammad Ya'qūb Āqsaqāl were sleeping. As [the thieves] came closer to them, the child (*bala*) recognised one of the thieves as his uncle 'Abdullāh. [Then] 'Abdullāh gagged the child. After this, [the thieves] stole all the household goods and went away. The next morning when [I was] informed about [the incident], I had the *qaẓī-īshāns* provide for a trustee (*amīn*), whom I sent with one of my assistants [to the place of the murder]. As soon as they reached [the locality] and examined the dead man, they gave instructions [to proceed] to bury (*dafn*) [him]. Then a scout (*īzchī*) was brought. Among [the footsteps left by] the thieves, he recognised those of a man (*piyāda*) and a camel [which] led to the house of a certain 'Abdullāh from Būyqazāq.²³⁸ After that Muḥammad Ya'qūb Āqsaqāl came in person and informed [me] that he too considered that 'Abdullāh was a suspect (*gumāndār*). As a result, I sent two Yomut liegemen (*nawkar*) with a written notification (*fatak*) to the house of the governor (*ḥākim*) of Besh-Ariq. The latter added an assistant (*kīshī*). These people went to 'Abdullāh's place, and brought him here together with a certain Jumāsh. I thus inform you that I sent the thieves 'Abdullāh and Jumāsh, together with the afore-mentioned Muḥammad Ya'qūb Āqsaqāl, Īsh Jān Āqsaqāl, and Sātim to your office accompanied by Khāl Bāy Qāẓī. Let it be known that a thief broke into the summer house of a certain Muḥammad Raḥim Bāy from Dūrghāvik and stole the agricultural tools, a mosquito net, one teapot with a cup, one pitcher, one share of the wooden plough and some straw. The next morning [the owner hired] a scout [who followed the traces of the thieves] leading to the house of a certain Jum'a Niyāz from Buvāy. When they got there, they did not enter Jum'a Niyāz's house'; [instead,] they came to me and as soon as they informed [me about what they had found], I sent two Yomut liegemen with the notables of the communities of the parties [to the dispute] to [Jum'a Niyāz's house]. They

²³⁷ We have been unable to identify this locale.

²³⁸ We have been unable to identify this locale.

identified one pitcher, one mosquito net, one teapot with a cup [as the stolen goods]. Afterwards the afore-mentioned thieves Jum'a Niyāz and Bābā, were brought here; as [I proceeded] to question them, at first they denied (*inkār*) the accusation; however, later they confessed (*būyūn būldīlār*). Let it be known to you that the things which they found were returned to Muḥammad Raḥīm Bāy and these two individuals were also sent to your office together with Khal Bāy Qāzī. This is the state of the case. [This notification] was addressed to your office on 7 Jumādī al-ṣānī 1336 [19.03.1918].

Let it be [also] known that the elders (*yāsh kattalār*) of Khanqah requested that the capital punishment (*ūlūm jazāsī*) be meted out to 3 or 4 among these notorious thieves; otherwise the number of thieves would increase day by day. [So] it was written.

Seal: Āqmuhr Ḥājjī Muḥammad Bāy²³⁹

239 On this individual, see Doc. 26, fn. 136.

Document 47: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Assault²⁴⁰

Introduction

A certain ‘Abdullāh from a locality called Uyghur appealed to the provincial governor and informed him that one ‘Ibādullāh assaulted his wife and fled. The official initiated the procedure of investigation and instructed the *āqsaqāl* of the locality to find the suspect. After his arrest, ‘Ibādullāh agreed to compensate the aggrieved party and the dispute was settled. It is important to note that, while informing the royal court about the outcome of the investigation procedures that he undertook, the local official attempted to distance himself from the settlement and its stipulations. Indeed, he emphasised in the report addressed to the agencies in Khiva that it was the parties themselves together with the representatives of their communities who reached a peaceful settlement. However, the report clarifies that the official played a crucial role in the distribution of the money paid by the defendant among the individuals who were involved in the process of mediation. The necessity to craft this document came when the claimant decided to appeal to the royal court. Most probably, ‘Ibādullāh, who was not satisfied by the stipulations of the peaceful settlement, appealed to the agencies in Khiva and complained that during the process of reconciliation, the mediators demanded from him a substantial sum of money and resorted to violence. Once he received instructions to explain the circumstances of ‘Ibādullāh’s appeal, the officials attempted to persuade the royal court that such an appeal was unsound.

Translation

Let it be known to Amān Kildī Bāy Yasāvulbāshī, refuge of the vizierate and banner of glory, our lord, that a certain ‘Ibādullāh has assaulted the wife of a certain ‘Abdullāh from Ūyghūr²⁴¹ without any reason (*bī-vajh*) and caused her injury (*jarāḥat*) at one eye. For this reason, when I was about to detain ‘Ibādullāh with the intention of questioning him, he ran away. After that I ordered his *āqsaqāl* to find him. Because of this, the next day he was found at the place of a certain Qūshāq and brought before me. All the *āqsaqāl-kadkhudās* reconciled the parties themselves outside [away from my sight] (*ūzlārī tashqārīda yarāshūtūrūb*): [they] had [‘Ibādullāh] pay 10 *ṭillā* for the expenses for the [medical] treatment

²⁴⁰ TsGARUz, f. I-125, op. 1, d. 498, l. 84.

²⁴¹ Bregel identified two localities under the name Uyghur or Yaman-Uyghur in the 19th and the beginning of the 20th century. The first one was situated east of Khanqah on the bank of the Amu Darya, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 621, note 710. The second locality bearing the same name was found on the right bank of the Amu Darya within the administrative unit of the Uyghur lake, see *ibid.*, p. 627, note 770.

(*malḥam fulī*), as well as, some money to the *kadkhudās* (*kadkhudā fulī*) and to my attendant (*yasāvuḥ ḥaqqī*), thus altogether 36 or 37 *ṭillā*. From this sum, I was entrusted 17 *ṭillā* as payment for my assistance (*saʿī say*²⁴² *fulūngīz*) and the rest was spent for the *kadkhudās* and my attendant and for the medication. [But] now the afore-mentioned ʿIbādullāh has come before me escorted by a [court] attendant (*yasāvuḥ*) and argued that the *āqsaqāls*, Mullā Qurbān Bāy and Yūldāsh, had beaten him and extorted from him 75 *ṭillā*. His allegations are groundless (*sūzī bikāra dūr*). This is the state of the case. This notification (*khaṭ*) was compiled on 17 Rabīʿ al-ṣānī 1335 [09.02.1917].

Seal: ʿAbd al-Raḥīm Bāy b. Muḥammad Yūsuf Baqqāl

242 Say in the original text of the record.

Document 48: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Animal Theft²⁴³

Introduction

In this report, a local official, most probably the governor of Manaq, writes to the agencies in Khiva with regard to a claim of horse theft. The suspect of the latter offense was a man from Manaq who had temporarily resided in the house of the aggrieved party. The suspect was sent to the governor and questioned. As the respondent denied responsibility, the governor decided to send the parties to the royal court, which would hear the case. Records from the Governorship-General of Turkestan and Bukhara indicate that in these two latter regions cases of horse-theft usually fell within the purview of *qāžīs*. The fact that in Khorezm such cases were instead heard by the royal court reinforces, once again, the idea that under the Qonghrat system of administration *qāžīs* occupied a somewhat low position in the Islamic judicial hierarchy.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate,²⁴⁴ our lord, that a certain Qūtlūq Murād Şūfī from Tāshhavuż came and informed me that six months ago a certain Qūrbān Bāy from Manāq who had resided at his place, stole [his] horse and a sheep-skin. [Qūtlūq Murād Şūfī also told me that] he has now found [Qūrbān Bāy] at the Manāq bazaar. As a result, I questioned the afore-mentioned Qūrbān Bāy who denied (*munkir*) [the theft]. [Accordingly,] I sent to your office the afore-mentioned Qūrbān Bāy accompanied by a liegeman on a horse (*nawkar-i ātlī*) together with Qūtlūq Murād Şūfī, the owner of the [stolen] horse. I wrote this letter (*khaṭ*) to inform you about this [event] on 22 Rabīʿ al-ṣānī 1335 [14.02.1917]. I wish you good health.

Seal: Muḥammad Yaʿqūb Bāy b. Jabbār Qulī Maḥram²⁴⁵ 1334

243 TsGARUZ, f. I-125, op. 1, d. 498, l. 62.

244 In the original text of the record, *vizārat-fanāh*.

245 Given the context of this and another document (Doc. 20) with the same seal, Muḥammad Yaʿqūb Bāy b. Jabbār Qulī Maḥram was evidently the governor of Manaq in the years 1916–1917.

Document 49: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Double Homicide²⁴⁶

Introduction

A resident of an unidentified settlement who was a member of the Qaradashli Turkmens informed an official of the Khanate of Khiva about a double homicide. His niece and a young man were murdered by an unidentified individual. The claimant requested the appointment of a trustee to make an inquest, a fact suggesting that most probably the person filing the lawsuit with the royal court was cognizant of the legal instruments which were at his disposal. The Qonghrat official sent his trustee (*amīn*) together with the *qāzī* to investigate the place where the homicide occurred and collect the circumstantial evidence. In the wake of this procedure, the two corpses were handed over to their families to perform the funerary rituals and the burial. The main intention behind the production of this report is to inform agencies in Khiva that the families of the two murdered do not have any claims against each other on account of the two being killed together.

Translation

Let it be submitted for consideration to the *yasāvulbāshī*,²⁴⁷ refuge of the vizierate and repository of power,²⁴⁸ our lord, that on 8 Rabīʿ al-avval a certain Āghā Qaradāshlī²⁴⁹ came [before me] and submitted an appeal (*ʿarż itdī*). [He stated] that somebody had killed the daughter of his elder brother Fakhr, and a young man (*bir yigit*), and thus asked that a trustee (*amīn*) be appointed [to investigate the case]. I sent a trustee together with the *qazī*²⁵⁰-*īshān* so that they would examine together [the corpses]. They have examined the corpses (*mayitlār*) and handed them over to their relatives. I asked the *qazī-īshān* whether there were any injuries visible [on the bodies] (*jarāḥatī*²⁵¹ *bār-mū*). He answered that in a few places [the bodies showed] knife and stick wounds. I asked the relatives of both the deceased whether they had any claims (*daʿvā*)²⁵² [against each other]. They answered that, on account of the fact that [they] were killed together, they do not have any [mutual] claims. I wrote this letter (*khaṭ*) on 22 Rabīʿ al-avval 1335 [15.01.1917].

Seal: Muḥammad Karīm Yūzbāshī b. Ismāʿil 1334

246 TsGARUz, f. I-125, op. 1, d. 498, ll. 70–700b.

247 *Yāsavulbāshī* in the original text of the record.

248 *Hukūmat dasgā* in the original text of the record.

249 On the Qaradashli Turkmens, see the reference in Doc. 20, fn. 122.

250 *Qāzī* in the original text of the record.

251 *Jārājatī* in the original text of the record.

252 In the original text of the record, *davā*.

Document 50: A Notification by a Provincial Governor to the *yasāvulbāshī* about Multiple Cases of Robbery and Homicide²⁵³

Introduction

This report illuminates instances of robbery at gunpoint and homicide that were perpetrated in the district of Tashhawz in the spring of 1918.²⁵⁴ The local official initiated an investigation and a series of hearings, which allowed him to establish that the perpetrators of these offences were Turkmen Yomuts who were loyal to a certain Sayyid Niyāz.²⁵⁵ The report clearly suggests that the governor was requesting the agencies in Khiva to intervene with some concrete measures against such Turkmen outlaws.

Translation

He [is the Almighty]! Let it be known to the *yasāvulbāshī*, the banner of glory, our lord, that in the mosque (*maṣjid*) [community] of Chaʿsh [?] Mirāb in Kāt, on the bank of the Yarmīsh [canal], four thieves on horse (*āṭlī*) and other six men on foot (*fīyadā*) broke into the houses of Raḥīm Bāy and Ātā Murād. They took a pair of bulls and a cow belonging to Raḥīm Bāy, shot and killed the wife of the afore-mentioned Ātā Murād, and stabbed one of his peasants thereby causing bodily harm (*yārādār*). In the locality of Chalang, five or six men broke into the house of a certain Ḥaytan. They took his cow, [then] they shot and killed him. In the course of three days similar events occurred again all around the locality of Tashhavuž. It has been reported that those Yomuts on horses and on foot who robbed the houses, drove away the livestock, and murdered several people belong to Sayyid Niyāz's [group of] mounted and foot-men. Moreover, these men frightened the residents (*fuqarā*) of Tashhavuž by black-mailing and robbing them (*sindā fulān nimarsa va fulān vaj'alārīm bār dīb*) and taking other appropriate and improper courses of action (*bī tigīsh bī ūrūn va bīr qāra īshlārñī ītib*) against the law (*bī sharīʿat bī vajh-i shar*)²⁵⁶ and this is the reason behind disturbances in the district of Tashhawz (*kūb nādīnch*²⁵⁷ *dūr*). [These thieves] robbed the residents of the locality of several thousand *manāt*

253 TsGARUZ, f. I-125, op. 1, d. 498, ll. 88–88ob.

254 On the events that occurred in the spring of 1918 see Introduction, pp. 17–19.

255 Sayyid Niyāz was most probably the head of one of the various groups of Yomut Turkmen. We have been unable to dig out more information on this individual as his name does not figure in the list of Turkmen (Yomut) leaders drawn by Lykoshin in 1912. Nor do local historians such as Ḥasan-Murād Laffasī and Pahlavān Niyāz Ḥājji Yusupov mention his name in their works focusing on the political events of the second decade of the 20th century.

256 In the original text of the record, *bī vaj-i shar*.

257 This is an Oghuzism for *nātīnch*.

as well as horses and sheep. To inform your office about all this, the [present] notification (*khaṭ*) was written on 18 Rajab 1336 [29.04.1918].

Seal: Jum'a Niyāz Muḥammad Maḥram b. Māḥmūd Divān²⁵⁸

²⁵⁸ On this individual, the governor of Tashhawz, see Doc. 29.

Document 51: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery²⁵⁹

Introduction

The victim of a robbery, a certain Ish-Jān Bāy, identified the perpetrator as one Khudāy Birgān Qūl, whom he took before a local official. The latter questioned the suspect who admitted his responsibility and provided the name of his accomplice. The leaders of the community of the aggrieved party successfully requested that the plaintiff be handed over to them under guarantee. Then they left for an unidentified destination. It is unclear whether the guarantors requested the release of the defendant so that the latter could assist them to collect supplementary circumstantial evidence on the crime scene. At any rate, it seems that the culprit's release did not leave the official particularly satisfied. Indeed, in reporting to the agencies in Khiva, he clearly refers to the need to take more serious measures against the culprit and he therefore provides information attesting to his bad fame. One could safely assume that the release of the culprit occurred against the will of the local official.

Translation

Let it be known to the *yasāvulbāshī*,²⁶⁰ the banner of glory and happiness, our lord, that in the wake of robbery in his house, Ish-Jān Bāy recognised his water jug in the hands of a certain Khudāy Birgān Qūl and he thus took the latter before me. When I questioned him [Khudāy Birgān Qūl] acknowledged (*iqrār*)²⁶¹ that, together with an accomplice, he stole the jug along with one sheep and [some] wheat. After that the *āqsaqāls* and *kadkhudās* told [us] that they would go to the community (*ilāt*), inquire about the case, and bring [the suspect] back to me; thus, in acting in the capacity of guarantor (*kafil*), they took [the thief] with themselves and went away. That night a horseman (*ātli*) left for Khiva [with information] regarding Ish-Jān Bāy's case. Now, [it seems that] Khudāy Birgān Qūl is indeed a depraved unruly man (*kūp bihūda yamān ādam*). The letter (*khat*) was compiled in Jumādī al-ṣānī 1335 [September–October 1917] to inform your office about such [events].

Seal: Jum'ā Niyāz Maḥram b. Maḥmūd Dīvān

²⁵⁹ TsGARUz, f. I-125, op. 1, d. 498, ll. 72–72ob.

²⁶⁰ This is a spelling variation of *yasāvulbāshī*.

²⁶¹ *Īqrār* in the original text of the record.

Document 52: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Dispute over Rights of Inheritance²⁶²

Introduction

An *āqsaqāl* died living no direct heirs. The officials representing the constituency to which the deceased belonged took the initiative to consult with the local governor. In compliance with established bureaucratic practices, the latter sent one of his men together with a *qāẓī-īshān* to collect circumstantial evidence regarding the man who had just passed away. They could establish that he had only a younger sister. There was, however, another *āqsaqāl* claiming kinship ties to the deceased and therefore rights on the inheritance. The governor's trustee and the judge thus questioned the local elders who dismissed the relevance of such a claim. The emissaries of the governor proceeded to list the possessions as well as the pending debts of the deceased. In his missive to the *yasāvulbāshī* the governor puts emphasis on the fact that the list was drawn in public at the presence of the local officials as to solemnize the involvement of state authorities in this matter. It seems, however, that the emissaries of the governor could not dissuade the *āqsaqāl* from pursuing his goal: the officials representing his constituency provided additional information thereby sustaining his claim to be a natural heir of the deceased. At this point, the governor must have felt obliged to defer to the *yasāvulbāshī*'s judgment. A palpable sense of impatience transpires from this notification as we find the governor urging the authorities in Khiva to act swiftly in order to counteract the rapacity of the locals.

Translation

Let it be submitted for consideration to the office of the *yasāvulbāshī*, refuge of the vizierate, and repository of power, our lord, that Bābājān Āqsaqāl [who belongs to the group of] Qonghrat Āchī Qūylī²⁶³ died. In the light of this

²⁶² TsGARUZ, f. I-125, op. 1, d. 498, ll. 96–96ob.

²⁶³ Apparently, Achamayli – one of main subdivisions of the Qonghrat tribe in Khorezm along with Kok-Uzak, Balghali, and Qanjighali, see Alexander Kun, *Ocherk istorii zaseleeniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 90b-10; K.L. Zadykhina, "Uzbeki del'ty Amu-Dar'i," in *Trudy Khorezmskoi arkhieologicheskoi ekspeditsii. I. Arkheologicheskie i etnograficheskie raboty Khorezmskoi ekspeditsii. 1945–1948*, eds. S.P. Tolstov, and T.A. Zhdanko (Moscow: Izdatel'stvo Akademii nauk SSSR, 1952), p. 338; Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 575, note 350. The text clearly refers to a group of Qonghrat Uzbeks who lived in the Besh-Ariq district. They were resettled in this locality at the beginning of the 19th century after the Qonghrat rulers of Khiva conquered the Aral province in 1811. See Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 216.

information, we sent [there] a man (*ādam*) in our service together with the *qāzī-īshān*; when the latter questioned whether the deceased left any heirs (*vāriṣlār*), it seemed that he had only one younger sister. [But] a certain Qūchqār Āqsaqāl apparently alleged that he was a close relative [of the deceased] and that he was heir to his possessions. The *āqsaqāls* and the other *kadkhudās* of the community (*il*) [of the deceased] did not consider [Qūchqār Āqsaqāl] as a true heir. Since he [=the deceased] has no other sons, nor daughters, [it was decided] to draw up a list (*rūykhaṭ*) in the presence of the *āqsaqāl-kadkhudās* of all the debts (*qarḡlār*), the landed properties (*yir-mulk*), and the other possessions of the afore-mentioned [deceased man], and the list was then sent to your office. Some *kadkhudās* of Qūchqār Āqsaqāl's community (*ilāt*) state that he is a true heir and relative of the deceased; I thus [ask you] to notify [to me] with the letter (*khaṭ bīla*) whatever be your mercy before the possessions recorded on the list are lost. This letter (*khaṭ*) was compiled on 5 Sha'bān, 1336 [15.05.1918].

Seal: Muḥammad Yūsuf [b. Pahlavān Maḥram]²⁶⁴

²⁶⁴ Cf. the seal of Doc. 38.

Document 53: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Animal Theft²⁶⁵

Introduction

One Jum'a Nazar informed a local governor that he recognised on the horse of a certain Qūsh Nazar the gear which had been stolen from him a year earlier together with his horse at the bazaar of Khanqah. Consequently, the local governor questioned the suspect. The governor obliged the suspect, under threat of punishment, to admit the theft of the horse. The two parties' representatives agreed that the horse would be returned to his owner, while the defendant should be temporarily detained by the governor. Following an established procedure, the governor wrote to the *yasāvulbāshī* and asked for further instructions with regard to the defendant. What the governor wanted to know from the Khivan authorities was whether he had to free the defendant under guarantee and thus satisfy the plea of his representatives, or to escort him to the royal court, most probably for a subsequent hearing. The *yasāvulbāshī* instructed the governor to release the defendant under guarantee. This document is noteworthy because it reflects how a dispute originating from a case of horse theft could be solved through preliminary investigations and negotiations led by the representatives of the two parties. This procedure of conflict resolution differs substantially from the procedure of adjudication of horse theft which *qāzīs* followed in other urban centers in Central Asia.²⁶⁶

Translation

Let it be known to the office of the *yasāvulbāshī*, the refuge of the vizierate, our lord, that last autumn the horse of a certain Jum'a Nazar, [a member of] the community (*qavm*) of Allāh Birgān Āqsaqāl, who belongs to the mosque community (*masjid il*) of Āmān Yūzbāshī in Qonghrat, was stolen at the market of Khanqah. So far he has not found the thief. This year on 8 Zī al-qa'da²⁶⁷ he brought before me a certain Qūsh Nazar valad-i Dawlat Murād as he had recognised on the latter's horse the harness (*yūna*) [belonging] to his own animal which had been stolen. I asked [Qūsh Nazar] where he got this harness from since it appears that it [previously] belonged to [Jum'a Nazar's] stolen horse. He stated that he bought it at the market in Khanqah. I proceeded to a precautionary inquiry (*iḥtiyāt bīla taftīsh itīb*) and asked him again how the

²⁶⁵ TsGARUZ, f. I-125, op. 1, d. 498, ll. 90–91.

²⁶⁶ On the procedure of adjudication followed by Central Asian *qāzīs* when they heard cases of horse theft, see P. Sartori, "Birth of a Custom: Nomads, *Sharī'a* Courts and Established Practices in the Tashkent Province, ca. 1868–1919," *Islamic Law and Society* 18.3–4 (2011), pp. 293–326.

²⁶⁷ In the original text of the record, *Zā al-qa'da*.

harness of a stolen horse could appear [from him]. [I also encouraged him] to tell the truth (*tūghrīsīn*) otherwise he would be punished (*sangā jazā' bīrīlūr*). In this regard Qūsh Nāzar said (*dīb*) that last autumn at the market of Khanqah he had stolen [Jum'a Nāzar's] horse and then sold it to a Qazaq for 30 *ṭillā*. After that the *kadkhudā-āqsaqāls* of both parties (*ikkī ṭaraf*) arranged for the delivery of Qūsh Nāzar's stolen horse to Jum'a Nāzar and thus reconciled them (*rižālāshdūdīlār*). The *āqsaqāl-kadkhudās* of Qūsh Nāzar, the thief, also pleaded (*iltimās*)²⁶⁸ for [the release of] the culprit (*gunāh*) and for that reason the latter was kept [in custody] (*sāqlāndī*). Should this reflect your intention, I could let him free and thus satisfy the plea of his *kadkhudās*. Otherwise, if you order (*parmāyish*) to send him [to Khiva] I shall have him dispatched to your office. This notification (*khat*) was written on 12 Zī al-qa'da²⁶⁹ 1336 [19.08.1918].

Let the fact not be hidden that, satisfying the plea of the *āqsaqāl-kadkhudās*, Qūsh Nāzar was handed over to Qahqa Vakīl and Qurbān Āqsaqāl, who will act in the capacity of guarantors (*kafīl*).

Seal: Muḥammad Yūsuf Bāy b. Pahlavān Maḥram

²⁶⁸ In the original text of the record, *iltimās*.

²⁶⁹ In the original text of the record, *Zā al-qa'da*.

Document 54: A Notification by a Provincial Governor to the *yasāvūlbāshī* about a Case of Homicide²⁷⁰

Introduction

This document provides an account of a case of blood feud. A man was found hanging from a tree. Once rumors about this event reached the local governor, the latter sent two trustees to the place where the murder had been committed. The trustees were joined by local notables and together they carried out the preliminary investigation. As they proceeded to question the relatives of the murdered man, the trustees unfolded a story of adultery: the victim had entertained an extra-conjugal relation with another woman. According to the statements of the relatives, the husband of the adulteress together with other three men broke into the house of the victim, abducted him, and tied up his wife. The family of the murdered man was clearly waiting for a retaliation to take place, since the father had already alerted local notables that the suspects were their ‘sworn enemies’ (*qāndār*) and about the latter’s intention to murder his son. The suspects were heard, but they denied the claim. The governor decided to entrust them to the policeman, while the widow was handed over to a guarantor. With this notification the governor of Hazarasp asked the *yasāvūlbāshī* to provide further instructions.

Translation

Let it be known to the *yasāvūlbāshī*, the banner of glory, our lord, that on 13 Jumādī al-avval on Monday evening, i.e., yesterday, in the locality (*marẓī*) of Chavāndūr there occurred the [following] event: a certain Khudāy Birgān [b.] Ish Niyāz was hung to death on a tree in front of the door [of his house]. This is the case (*vāqi’a*), about which they informed [me]. I sent my own trustee (*amīn*) and one from the *qāẓī-īshāns*, the banner of Islamic law. When the trustees, together with the *āqsaqāl-kadkhudās* and the local people (*mardum*) examined [the crime scene], permission was given to bury the corpse (*dafn*). [Then they proceeded to] question [the relatives of the departed] before the *kadkhudās*. [Somebody explained that] that night in the house of the murdered man (*maqtūl*) slept his father Ish Niyāz, his mother Jum’a Bika, his sister Shakar Bika, together with her husband Pahlavān, and his uncles Ḥusayn and ‘Abdullāh. The murdered man slept with his wife (*khātūnī*) Raḥmiya Bika in another room. For this reason the others were unaware of the case. The next morning, the afore-mentioned ‘Abdullāh went outside for the ritual ablutions (*ṭahārat*) and saw [Khudāy Birgān hanging]. Without knowing the circumstances of the case, he [immediately] informed the afore-mentioned Ḥusayn.

²⁷⁰ TsGARUz, f. I-125, op. 1, d. 498, ll. 109–109ob.

[At that point, they all] went outside and saw [him]. This is the state [of the case]. After that they [the trustees] questioned Raḥmiya Bika, the wife of the murdered. She said that the day before a certain Vays Niyāz, ‘Abd al-Raḥman, Ādam Bāy Tuqalāq, and another man had come [to her house], took her husband, while one of them confined her [in the room]. She [explained that] she was unaware of what was going on (*bī-khavar*)²⁷¹ and that she does not know anything else [since] the door had been locked from the outside. When they asked her who had confined her, she said that she would recognize him if she saw him and she recounted his features (*nishānalārīn*). They showed her a certain Qurbān Niyāz and she recognised him [as the offender]. Then they asked why those men had undertaken such a course of action against her husband. She answered that her husband had had an affair (*ishī bār*) with the wife of the afore-mentioned Vays Niyāz. Afterwards they proceeded to question the relatives of the murdered: Ish Niyāz, Jum’a Bika, and Shakar Bika. [Ish Niyāz] explained that Vays Niyāz and ‘Abd al-Raḥman were their sworn enemies (*qāndārmīz*) and they wanted to kill his son [Ish Niyāz] and the latter’s wife, Raḥmiya Bika, and that he had informed everybody about [their intention] well in advance. They thus questioned Qalandar Āqsaqāl and Ghāyib Naẓar Arbāb, who confirmed that they had been informed. Then they questioned Vays Niyāz, ‘Abd al-Raḥman, Adam Bāy Taqalāq, and Qurbān Niyāz, who denied (*munkir*)²⁷² [the claim]. Afterwards the four men were handed over to the policeman (*mīrshab*). The abovementioned Raḥmiya Bika was entrusted to a guarantor (*kafil*). This is the state of the case (*ṣūrat-i vāqi’a*) which I [sent to your] office in wait for your mercy. The notification (*maktūb*) was compiled on the 15th of the current month [Jumādī al-avval] in 1335 [08.03.1915].

Seal: Ismā‘il Khwāja b. Ibrāhim Khwāja²⁷³

271 Phonetic rendering for *khavar* ('information').

272 In the original text of the record, *munkir*.

273 The governor of Hazarasp. See on this individual Doc. 40, fn. 208.

Document 55: A Notification to the *yasāvulbāshī* about a Case of Homicide²⁷⁴

Introduction

A mailman²⁷⁵ living in the territory of the Urgench province headed off to the post office in Petroaleksandrovsk (Turtkul) in the Amu-Darya Department. When he returned to his place he found the dead body of his wife lying nearby his house. He then appealed to the local governor and sued his neighbour whom he suspected of homicide. The local governor held an inquiry. He appointed a trustee (*amīn*) to inspect the body for evidence of bodily harm. He also heard the leaders of the local communities. As the respondent categorically denied the claim, the local governor informed the office of the *yasāvulbāshī* and requested further instructions. The verso of the document indicates that the plaintiff agreed to settle the murder case amicably (*ṣulḥ*) in consideration of a sum of money.

Translation

He [is the Almighty]! Let it be known to the office of the *yasāvulbāshī*, the refuge of vizierate and repository of nobleness, our lord, that a certain Sayyid Ḥājī Bāy ūghlī living in Urgench, in the locality (*maṣṣiʿ*) of Ghāybū on *āṭlīgh* lands,²⁷⁶ appealed (*ʿarṣ itīb*) by stating (*dīb*) that on Monday 26 Rabīʿ al-ṣānī

²⁷⁴ TsGARUZ, f. I-125, op. 1, d. 498, ll. 110–110ob.

²⁷⁵ During the period of Russian rule, the Khanate of Khiva had two stations that offered postal services. Though both stations were administered by Russians, Khivan authorities paid for their upkeep. One of them, the telegraph station named 'Khiva' was opened in the city of Khiva on 1 November 1912, later than the period to which this document refers, see TsGARUZ, f. I-125, op. 1, d. 289, ll. 174–174ob. The other station was called 'New Urgench' (*Novo-Urgenchskoe Pochtovo-telegrafnoe otделение*) and was much more significant than 'Khiva' on account of the scope of its communications and activities. Nil Lykoshin indicates that the 'New Urgench' station was manned by 'servants' (*dzhigity*) taken from the local population, who delivered the mail into and from the khanate through Petro-Aleksandrovsk and Charjuy, see his *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUZ, f. I-2, op. 1, d. 314, ll. 290b–30. In the remote settlements of the khanate the local population hired *dzhigits* who offered the service of postmen. If we consider that the events described in this document occurred in Urgench, we can infer that the mailman mentioned in the text was serving the 'New Urgench' station and therefore communicated with Petro-Aleksandrovsk.

²⁷⁶ *āṭlīgh* or *āṭlīgh* (*āṭlīq*) *yiri* is usually referred to land allotted predominantly to Turkmen tribes that settled in Khorezm under the rule of the Qonghrats with rights of possession in return for military service. The term *āṭlīgh* (from *āṭlī* – 'cavalryman') would suggest that Turkmens were expected to fill the ranks of the cavalry of the Khivan army. See Bregel, *Khorezmskie Turkmenny v XIX veke*, pp. 100–105. After the establishment of the Russian protectorate in Khiva in 1873, the fiscal status of *āṭlīghs* was made subject to change. While

he had left for Turtkul²⁷⁷ for the post office (*fūchta khizmatī*)²⁷⁸ and left his wife (*ʿayāl*) Ūghūl Bika Pahlavān-qīzī alone at his place (*ūyūmda*). When he made home on 27 Rabiʿ al-ṣānī after the delivery of the mail, he noticed that the entrance door was locked. For this reason, he gave a cry but he did not hear anything. After that he decided to get information from his close neighbour (*yaqīn qūnkūshīm*), a certain Ḥājjī Pahlavān ūghlī. On his way there, about a half *ṭanāb*²⁷⁹ away from his house he found the dead body (*ūlūkīn*) of his wife. She had been killed with a knife and [Sayyid Ḥājjī Bāy ūghlī claims] it was [his neighbour] Ḥājjī Pahlavān ūghlī who killed her: the latter knew that his wife possessed 150 *manāt*. Accordingly, he said he would take care of the corpse: he took a trustee (*amīn*) there, buried the dead (*ūlūkīn jāylāb*) and came back. With regard to the murdered woman and Ḥājjī Pahlavān ūghlī, I gathered their *āqsaqāls*, namely Īsh Muḥammad Āqsaqāl Bābā Niyāz ūghlī, [who is appointed] by royal warrant (*ʿināyatnāmālī*) [as well as] Jumʿa Niyāz Āqsaqāl Ibrāhīm ūghlī, Bābājān Āqsaqāl ʿAbdullāh ūghlī, Qurbān Bāy Āqsaqāl Raḥmān Bīrgān ūghlī, Ḥājjī Niyāz Bālṭa Niyāz ūghlī, Sulṭān Bāy Shīrīm ūghlī, Vays Niyāz ʿAbdullāh ūghlī, Īr Niyāz Tūra ūghlī, Bābājān Bālṭa Niyāz ūghlī, and Sattār-Qulī Muḥammad Saʿīd ūghlī. I initiated an inquiry into this case (*taftīsh*) and questioned them. They said that Sayyid Ḥājjī Bāy ūghlī and Ḥājjī Pahlavān ūghlī were indeed close neighbours and that there was no one else besides these two neighbours who lived in the [immediate] vicinity. They said that the two houses are located $\frac{1}{4}$ *farsaq*²⁸⁰ away from their [= the *āqsaqāls*] places. They had no idea about how [these neighbours] behaved to each other. They also stated that they had never heard of the afore-mentioned Ḥājjī Pahlavān ūghlī being involved in similar circumstances in earlier periods. [The *āqsaqāls* also stated that] whatever they may speculate (*taraddud*) on this case, they are unable to understand [what happened]. Sayyid Ḥājjī Bāy ūghlī stated that

during earlier periods they had to provide for military service, now Turkmens possessing *ātliḡh* would pay for a tax at a fixed rate called *salghut-kesme*. The average size of *ātliḡh yir* was circa 30 *ṭanāb* which would yield a payment of 12 *tillās*, that is 21 roubles and 60 *ko-peks* or 72 *ko-peks* for every *ṭanāb*. See N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUZ, f. I-2, op. 1, d. 314, ll. 250b-28; Bregel', *Khorezmские туркмены в XIX веке*, p. 101; T.G. Tukhtametov, *Rossia i Khiva v kontse XIX–nachale XX v. Pobeda Khorezmskoi narodnoi revoliutsii* (Moscow: Nauka, 1969), p. 97.

277 Local term employed to denote the citadel of Petro-Aleksandrovsk, the center of the Amu-Darya Department. See also Doc. 42.

278 Phonetic rendering of the Russian word *pochta* ('post office').

279 As a unit of length in 19th-century Khorezm a *ṭanāb* was equal to 60 *gaz*, whereas 1 *gaz* = 102–104 cm. Hence, half a *ṭanāb* is approx. 30–31 m.

280 This is a spelling variation of *farsakh*.

it was Ḥājjī Pahlavān ūghlī who killed his wife and no one else. As a result, I questioned the afore-mentioned Ḥājjī Pahlavān ūghlī and he said that he is absolutely unaware of what had happened. Now, I inform your office about the answers the *āqsaqāl*, the plaintiff (*muddaʿī*), and the defendant (*muddaʿā ʿalayhi*) gave when I questioned them. This is the state of the case (*ṣurat-i vāqiʿa*). The notification (*maktūb*) was registered on 5 Jumādīʾ al-avval 1329 [03.05.1911].

On 6 Jumādī al-ṣānī 1329 [04.06.1911], Sayyid the mailman acknowledged (*iqrār*) that he agreed (*rāzī būldūm*) on a peaceful settlement (*ṣulḥ*) for the murder of his wife Ūghl Bika bint-i Pahlavān [in consideration of] 250 *ṭillā* from Ḥājjī b. Pahlavān, in the presence of his *kadkhudās* namely Bābā Jān Āqsaqāl, Jumʿa Niyāz Āqsaqāl, Īsh Muḥammad Āqsaqāl, and Qurbān Bāy Āqsaqāl.

[No seal]

Document 56: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery²⁸¹

Introduction

This is a report about an inquiry held by the governor of Manghit into a case of robbery. The victim explained that seven men had broken into her house and taken away animals and other possessions. The *āqsaqāl-kadkhudās* of the community to which the victim belonged asked the governor for permission to investigate the case further. As they suspected that the thieves had already found refuge somewhere under Russian jurisdiction, the *āqsaqāl-kadkhudās* crossed the Amu Darya. They addressed themselves to an informant who told them that part of the booty had been already sold. At this point, however, they could identify the culprit. They waited for him on his way back to the territory of the Khanate of Khiva and apprehended him with one accomplice in the market of Khitay (Khtay), a town between Gurlen and Manghit. He was brought before the governor and questioned. The thief admitted his responsibility and he was escorted with his accomplices to the office of the *yasāvulbāshī*. It is important to note that the people who initiated an autonomous investigation and apprehended the thief were the leaders of the community to which the initial suspect himself belonged. It was their initiative that led to the exculpation of the first suspect. It is also noteworthy that, though the suspect admitted his guilt, the governor of Manghit argued for the importance of taking measures against him and his accomplices on account of his bad notoriety as outlaw.

Translation

Let it be submitted for consideration to the office of the *yasāvulbāshī*, refuge of the vizierate and repository of power, our lord, that on 12 Šafar a certain Ūghūl Kamfir²⁸² from Qum-Sangar²⁸³ came [here] and informed me that 7 people had broken into her house and stolen one black-coloured mare, a new bullock cart, and three fat rams, and one dower chest (*ārja*) with money to the value of 16 *bātmāns* of cotton (*fakhta*),²⁸⁴ 15 *qadāqs* of silk, 4 silk *mīsk* [?], 4 *pādshahī* [?], 2 shirts, 4 silk dressing gowns (*tūn*), 4 shawls, 2 hairpins (*tūrma*) [?], 2 pieces of strong silk (*qatīgh shāhī*) [?], 300 *manāt* in paper money, and one silver bracelet.

281 TsGARUz, f. I-125, op. 1, d. 498, ll. 114–114ob.

282 This is a spelling variation of *kampīr* ('old woman').

283 The text most probably refers to the locality of Qum-Senger mentioned in Khivan chronicles without any other indication as to its precise location. See Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 649, note 1051.

284 This is a spelling variation of *pakhta* ('cotton').

When I asked her whether she suspected anyone (*gumāndārīng bār mū*), she replied that she recognised among the seven men who had broken into her house only a certain Sāriq Bāy and that he is her suspect (*gumānīm*). After that I [ordered that] Sāriq Bāy be brought [to me]. When I questioned him, he denied (*munkir*) [the claim]. Accordingly, the *āqsaqāl-kadkhudās* stated that it is unlikely that Sāriq Bāy is the thief and it is necessary to hold an inquiry within [the next] five or six days. Perhaps, they will be able to find some other people. His *āqsaqāls*, Īsh Niyāz and Bālta Bāy went to the other side of the Amu Darya (*āryāq*). There [they found] an informer (*āyghāq*), a certain Şafar Qazāq who for 100 *manāt* told them that the thieves were Tangrī Birdī and Dūstān Īshjān Qazāq ūghlī from Qum-Sangar who had come [there] and sold the horse and the bullock cart. When [the *āqsaqāls*] were staying in the house of a certain Bāl Muḥammad, Tangrī Birdī reached [the territory of the khanate]. While Tangrī Birdī was on the other side [of the Amu Darya], they did not say a word to him until he crossed over to this side with his companion Qazāq Dastān he was apprehended by Ibrāhīm Yūzbāshī and Īsh Niyāz Āqsaqāl in the market of Khitay.²⁸⁵ When our man, Ibrāhīm Yūzbāshī, questioned him, Tangrī Birdī answered that he had sold the horse and the cart in the Amu-Darya Department in a county (*būlūsh*) under [the jurisdiction of a certain] ‘Ināyat Būlūsh and that 3 rams had been slaughtered in the house of Ūrāz Muḥammad Āqsaqāl Yūsuf Makhzūm ūghlī from Qum-Sangar. When he asked them who were their accomplices (*yūldāshlār*), they named Dawlat, Qul Muḥammad, Allash Ārānlī, Ūrāz Muḥammad Makhzūm and Khufar Bāy the Qazāq from Qum-Sangar. Ibrāhīm Yūzbāshī and the *āqsaqāl* brought the thieves to us. I questioned the thieves. Tangrī Birdī and Qazāq Dastān answered that they took only the horse, the cart, and 3 rams, and nothing else. After I questioned the accomplices of Tangrī Birdī and Qazāq Dastān, i.e., Dawlat, Qul Muḥammad, and Allash Ārānlī. They answered that for them [such an allegation] is a calumny (*tuhmat*), but they will pay for the stolen things (*māl*), should I ask them to do so. Their accomplices Ūrāz Muḥammad Makhzūm and Khufar Bāy the Qazāq have run away and they have not been found yet. Therefore, I sent to your office those who confessed (*būyūn*) Tangrī Birdī, Qazāq Dastān, and their accomplices, Dawlat, Qul Muḥammad, and Allash Ārānlī together with Ibrāhīm Yūzbāshī. Let it be known that among the afore-mentioned thieves Tangrī Birdī over the course of three or four years has been a notorious thief (*yamān ūghrī*). Nobody

285 Khitay (Khtay) – a fortress approx. 21 km northwest of Gurlen, halfway between Gurlen and Manghit, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 631, note 828.

could apprehend him as he had escaped to the other side of the Amu Darya. Tangrī Birdī's father too is tired (*bīzār*) of him. You know best. This is the state of the case (*ṣūrat-i vāqī'a*). This petition (*ʿarīza-nāma*) was written on 25 Ṣafar 1335 [20.12.1916].

Seal: Muḥammad Niyāz Bāy b. Qāsim Dīvān²⁸⁶

²⁸⁶ The author of this report was a certain Matniaz Kasymov, who according to Lykoshin was the governor of Manghit in 1912, see his *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64ob. From the beginning of the 19th century, the town of Manghit was located on the right bank of the Atalyk Arna (Manghit-arna) canal, c. 85 km from Khiva. See Danilevskii, *Opisanie Khivinskogo khanstva*, p. 108; Alexander Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 48 ob.; Guliamov, *Istoriia oro-sheniia Khorezma s drevneishikh vremen do nashikh dnei*, p. 202. This place should not be conflated with Manghit-Qal'a, which is located on the west bank of the Karabaili emissary on the lower delta of the Amu Darya.

Document 57: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery²⁸⁷

Introduction

In the wake of a robbery, a man sought redress before a local governor. The defendants denied the claim and the governor was clearly unable to reconcile the parties. At that point, the claimant decided to bring the issue before the royal court in Khiva. There are two interesting aspects to this text. Firstly, we observe again how the leaders of the community take upon themselves the responsibility of identifying and apprehending the culprit. It is, however, at this point that the text becomes less clear. It seems that the *āqsaqāl-kadkhudās* resorted to geomancy. Indeed, we learn that the local notables were expected to establish the amount of the theft by a ritual which is called ‘sand scattering’ (*tūfrāq tūktūrūb*), which consisted of scattering some sand on the traces left by the thieves. Secondly, the defendant expressed his intention to refer to the royal court in Khiva and requested from the local governor a ‘binding letter’ (*bāyluv khaṭī*), ensuring that the case was under review by local officials.

Translation

Let it be known to the office of *yasāvulbāshī*, banner of excellence, our lord, that ‘Avaž-Murād came [to me] and informed [me] that when he left for the market in Manghit [several] thieves broke into his house and stole 994 *tillā* in *manāt* banknotes. The *āqsaqāl-kadkhudās* [of the appellant] came [to me] and requested to be given a period of 1–2 days so that they can scatter some soil and look into it (*tūfrāq tūktūrūb kūrāy*). Later they came back and, by scattering some soil, they predicted that 930 *manāt* [were stolen]. After that the afore-mentioned ‘Avaž-Murād came and stated that he suspected (*gumāndār*) [three] *bāys*, i.e., Vays, Khāl-Murād and Īrkīn. I held an inquiry about these three men and questioned them, but they denied (*munkir*) [the claim]. [At that point], ‘Avaž-Murād said that he would go to the royal court (*dawlat-i ālāgha bārūrman*) and requested a binding letter (*bāyluv khaṭī*). They [agreed] to gather at your office (*khižmatīngizdā tāpilmāqchī būldilār*) in five days, that is next Tuesday. Yūsuf Şafāsh ūghlī will be the guarantor (*kafil*) for these three men. [But] you know best (*şāhib-i ikhtiyār*). This letter (*khaṭ*) was written on Thursday 2 Jumādī al-avval 1335 [24.02.1917].

Seal: [?] Yūzbāshī b. Raḥmatullāh Yasāvulbāshī

²⁸⁷ TsGARUz, f. I-125, op. 1, d. 498, l. 113.

Document 58: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Case of Robbery²⁸⁸

Introduction

In the wake of a case of robbery, the leader of a local community (*āqsaqāl*) appealed to the provincial governor. The latter operated according to an established procedure and appointed a trustee (*amīn*) to initiate a preliminary investigation and collect circumstantial evidence. He also resorted to the local *qāzīs* and instructed them to provide their own fiduciary, a mullah who would join the investigation. The governor then decided to notify the *yasāvulbāshī* about the course of actions he undertook. In so doing, he listed all the items which had been stolen. This document is clearly the notification which the local governor sent to the agency in Khiva most probably waiting for further instructions.

Translation

Let it be known to the office of the *yasāvulbāshī*, refuge of the vizierate and repository of power, our lord, that on Monday evening in the middle of the night several thieves broke into the home of Tājī Niyāz, who is a member of the community (*qavm*) of Muḥammad Murād Bāy, and stole a pair of oxen, a colt, and a ram among his livestock (*māl ashiyā' lār*). Among his possessions they took [a pair] of new boots and [a pair] of old ones, two robes, 2 felt rugs and six face-veils and a woman's dress [?],²⁸⁹ a [piece of] striped fabric (*ālācha yalāk*)²⁹⁰ and a small jug, three sheepskins, a tea pot and two [tea] cups, one *bātman* of sorghum and one *bātman* of millet and paper money worth 100 *manāts*. While they were taking the afore-mentioned items, they locked up in the house [Tājī Niyāz's] son and his wife. They then tied Tājī Niyāz's hands behind his back, fastened [a rope around] his shoulders, and left. As soon as an *āqsaqāl* of the community (*ilātnī āqsaqālī*) informed me, I dispatched one person together with one *mullā* given by the *qāzī-īshāns* [to reach the place and investigate the incident]. Now I address to your office this notification (*khaṭ*) which [lists] the stolen items and [recounts] the event [of the robbery]. Whatever

²⁸⁸ TsGARUZ, f. I-125, op. 1, d. 498, ll. 31–310b.

²⁸⁹ *Nāchar kūylāk* in the original text of the record.

²⁹⁰ In the text, the striped material is also referred to as *yalāk*. We have been unable to establish the meaning of this word.

your mercy, you know better. The notification was compiled on 27 Rajab 1339 [05.04.1921].²⁹¹

Seal: Muḥammad Ṣafā Ātālīq b. ‘Abdullāh Ātālīq 1335²⁹²

²⁹¹ The date is clearly wrong as, after the Young Khivans seized power in February 1920 with the help of the Bolsheviks, they liquidated the office of provincial governor and replaced them with revolutionary committees (*revkomytety*) and soviets. See Becker, *Russia's Protectorates in Central Asia*, p. 225; I.V. Pogorel'skii, *Ocherki ekonomicheskoi i politicheskoi istorii Khivinskogo khanstva*, p. 215. Therefore, it is very unlikely that the office of governor and *yasāvulbāshī* could exist in April 1921. In addition, the seal bears the year 1335, i.e. 1916/17.

²⁹² On this individual and on the term *ātālīq*, see Doc. 23, fn. 116.

Document 59: A petition to the *yasāvulbāshī* regarding a Case of Robbery and Assault ²⁹³

Introduction

In this appeal (*‘arż*), a certain ‘Abd al-Aḥad Sālim addressed the *yasāvulbāshī* to file a claim of assault and abuse. The appellant was most probably a *shaykh* who had come with his disciples to Khiva in order to perform a pilgrimage and offer donations. When he and his associates reached their inn, they noticed that somebody was attempting to break in. Though this person managed to escape, they could nevertheless establish his identity since in running away he had left his knife behind him. The appellant also informed the local community elder, thereby evidently publicizing the event. As a result, the relatives of the individual who was identified as the burglar retaliated by assaulting and cursing the *shaykh* and his disciples. It is important to note that in filing this complaint, the appellant did not limit himself to offering an account about the brutality and the slanderous behaviour of his assailants. He also noted that one of the offenders had wounded his forehead, a fact which would have prompted an appeal to a local authority against the *shaykh*. ‘Abd al-Aḥad Sālim thus appealed to the *yasāvulbāshī* to secure the involvement of the royal court which could have protected him from the abuses of the local community. This notification substantially differs from other texts presented in this section as it was not issued by an official.

Translation

He is the Almighty! We appeal (*‘arżimīz*) to the *yasāvulbāshī*, refuge of the vizierate and repository of power, our lord, [to report about the following incident]. I, your humble servant (*du‘āgūy*), together with my disciples (*murīdlār*) came to the [royal court] of the Khwārazmshāh,²⁹⁴ peace be upon him, and prayed for the sake of [his Majesty], may his rule last forever. We came here to offer donations (*ṣadaqa*) and, having done so, after the evening prayer (*khuftan*)²⁹⁵ we made return to the inn (*musāfir-khāna*) where we stayed. It was at that point that one [of my disciples] went outside and saw that someone was breaking the lock of the southern door [of our lodge]. [Our associate] asked him: ‘Who are you?’, but he ran away. [However] we found that his name was Nizām [because] he had left his knife [there]. We then addressed the

293 TsGARUz, f. I-125, op. 1, d. 498, l. 32.

294 For a discussion of the significance of this epithet, see p. 11.

295 This is a spelling variation of *khuftān*.

*āqsaqāl-bābā*²⁹⁶ and informed him [about what had occurred]. [Later] when we were resting outside of our place, the brothers [of Nizām] together with his father came to us. The father ordered them to hit us (*ūrūng dīb*) and so they beat the three or four of us; and they also cursed us a lot (*kūb ḥaqārat*) while beating us. [In the brawl] one of the younger brothers²⁹⁷ hit the door lock and wounded his forehead. Then they left to file a complaint (*‘arż*) against us. This is the event that occurred.²⁹⁸

Seal: ‘Abd al-Aḥad Sālim, 1334

296 *Bābā* was most probably intended as a honorific expression to refer to the *āqsaqāl* in question.

297 In the text *bālasī*, ‘his child’. It clearly refers to one of the children of Nizām’s father, i.e., one of Nizām’s brothers.

298 On the basis of the seal we can conclude that the text was not produced earlier than 1915.

Document 60: A Notification by a Provincial Governor to the *yasāvulbāshī* about a Dispute over an Unpaid Debt²⁹⁹

Introduction

The governor of Besh-Ariq notifies the office of the *yasāvulbāshī* that a dispute regarding an unpaid debt was brought before the judges. The latter considered the circumstantial information (*akhbār*) coming from individuals representing the community to which the claimant belonged together with others who acted on behalf of the community of the defendant. The judges examined the evidence, had a few individuals swear an oath as a form of rebuttal to the claim, and refused to hear the dispute. It appears that the judges resorted to the examination of written evidence produced by the defendants and the taking of oaths as preparatory procedures to weigh the soundness of the claim. Indeed, as they did not proceed with the trial, the judges did not rule that the claim was null. Instead, they simply dismissed it as irrelevant. The document clearly shows that in this specific case the judges acted in the capacity of legal advisors for the Qonghrat royal court.

Translation

Let it be known to our *yasāvulbāshī*, the undefeatable seat of glory (*‘izzat-ma’āb mā-lā-iktisāb*), our lord, that a certain Ādīna Murād from Ṭama last year [filed a lawsuit] against Jum’a Niyāz and Muḥammad Ya’qūb Bāy by stating that they owed him [the equivalent of] 1200 *kalta qāmīsh*.³⁰⁰ He waived his claim (*da’vā*) after he received 29 *tillā* and handed [to them] over a certificate (*khaṭ*) [of relinquishment]. Also, he [had filed a claim] against his brothers Khudāy Birdī and Muḥammad Sharīf, [saying] that they owed him 6 bundles of alfalfa. Accepting 15 *tillā*, he gave a certificate [of relinquishment] to them (*khaṭ birīb irkān*). This year too he claimed (*da’vā qildī*) 11½ *batmān* of undusked rice (*shālī*) against his brother, a certain Bābā Jān, whom he brought before the *qazī-īshāns*. [In the course of the hearing] before the [*qazī-īshāns*, the notables of the claimant’s community gathered (*ilāti-nīng nā’ib āqsaqāl kadkхудālārī jam’ bülüb*) and informed and [legally] acknowledged (*iqrār bülüb akhbār qildīlār*) that Ādīna Murād’s claim, itself unsound, is null (*ūzī nāḥaq tūtghūchī da’vāy-i qāq tūrūr*). Qalandar Nāyib, Bābā Jān Bāy, Durbik, Bābā Niyāz, Sayyid, Bābā Jān Bāy, and the community of the defendants (*mudda’ā ‘alayhi*) Jum’a Niyāz and Bābā Jān, stated (*akhbār*) that the claim was unsound. A certain

299 TsGARUz, f. I-125, op. 1, d. 498, l. 77.

300 *Kalta qāmīsh* ('short cane'), a grass of the Poaceae family growing in riverine areas, which was used as fodder and construction material.

Sayyid Muḥammad Aqā from Baghat,³⁰¹ Raḥmān Birdī Āqsaqāl, Tāza Bāy, and Ya‘qūb Bāy stood [there too]. The [*qazī*-] *īshāns* informed us that, since they examined the documents and let the afore-mentioned individuals take several oaths rebutting [the claim] (*bir nicha daf‘a qasam aytdī*), they will not further proceed with the hearing (*murāfa‘a*). Now you know best. The petition (*‘arīza-nāma*) was compiled in 1335 [1916–17].

Seal: Shāh Murād Bāy b. Dawlat Murād Bāy³⁰²

301 Baghat is a locality ca. 40 km northeast from Khiva and 16 km east of Yangi-Ariq, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 594, note 421; Bregel, *An Historical Atlas of Central Asia*, p. 67.

302 The governor of Besh-Ariq, the grandson of Muḥammad Murād Divānbīgī, see N.S. Lykoshin, *Sovremennoe raspredelenie vlasti v Khanstve Khivinskom, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 64 ob.

Document 61: A Letter by the Turkmen Yomut Leader Junayd Khān to the *yasāvulbāshī* about the Appointment of a New *qāzī* to Solve Conflicts among the Ata Turkmens³⁰³

Introduction

The author of this text was Muḥammad Qurbān Sardār, better known as Junayd Khān. He was *de-facto* ruler of the Khanate of Khiva in the period 1918–1919.³⁰⁴ In the case illustrated by this document, the author wrote to the *yasāvulbāshī* and conveyed to him the request of a certain Īshān Āgha Jān. The latter was the leader of the Ata Turkmens³⁰⁵ living on the right bank of the Amu Darya. He had asked Junayd Khān to intercede with the khan and the chief judge in Khiva with regard to the appointment of a new *qāzī* to solve conflicts among the Ata Turkmens living in the area between Fitnak and Darghan Ata, on the one hand, and their fellow tribesmen living on the other bank of the river under the jurisdiction of Russia, on the other. It is noteworthy that the appellant bore the title of *īshān* which, on its own, is usually employed to denote Sufi *shaykhs*.³⁰⁶ It is worth emphasizing that not always were *īshāns* fellow tribesmen of the Turkmens among which they lived.³⁰⁷ It is also noteworthy that

303 TsGARUZ, f. I-125, op. 1, d. 498, l. 22

304 See the Introduction to this volume as well as Docs. 24, 36, 45, and 61.

305 'Ata' was the name of a Turkmen tribe that the Qonghrat rulers allowed in the 1820s and the 1830s to settle in Khorazm on the fringes of the Balkhan bay and close to the Balkhan mountain range, see Bregel', *Khorezmskie turkmeny v XIX veke*, p. 35. Later, in the wake of a series of conflicts with the Yomut Turkmens, the Atas were allowed to move to the south-eastern regions of the khanate. According to Alexander Kuhn, this resettlement occurred under the ruler of Sayyd Muḥammad Khān (1856–1864), see his *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll.14a–14b. The main area in which the Atas resided was the territory on the south-eastern borders of the khanate, see Bregel', *An Historical Atlas of Central Asia*, p. 75. In addition, a branch of the Ata Turkmens lived also on the right bank of the Amu Darya in the Aq-Qamysh district, see Bregel', *Khorezmskie turkmeny v XIX veke*, pp. 35–36. Kuhn suggests in 1873 the Ata Turkmens amounted to 1000 households, the pastures of which were situated in the south-eastern border of the khanate on both sides of the Amu Darya, see his *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll.14a–14b. See further N.S. Lykoshin, *Zapiska Nachal'nika Amu-Dar'inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva*, 1912 god, TsGARUZ, f. I-2, op. 1, d. 314, l. 24 ob.

306 Of course, this is not the case with formulations such as e.g. *qāzī-īshān*.

307 Bregel', *Khorezmskie turkmeny v XIX veke*, p. 76, fn. 28; S.M. Demidov, *Turkmenskie ovliady* (Ashkhabad: Ylym, 1976), p. 20. William Wood argues that in the 18th and the 19th century Turkmen tribes usually conferred 'special land and water right' upon such individuals who claimed saintly descent in order to persuade them to join the tribe, see his "The Sarii Turkmens of Merv and the Khanate of Khiva in the early Nineteenth Century" (Unpublished Ph.D. Dissertation. Indiana University, 1999), p. 16.

both the intercessor, Īshān Āgha Jān, and the individual recommended to the post of *qāzī* Mullā Najm were residents of the Amu-Darya Department. As a consequence, regardless of the formal subdivision among Ata Turkmens between two different jurisdictions, they retained strong social and cultural ties and recognised the spiritual authority of the same leaders. Presumably, the request coming from the leader of the Ata Turkmens was possible on account of the fact that at that time (August 1919) Junayd Khān enjoyed authority not only over a substantial part of the territory of the Khanate of Khiva, but also on the right bank of the Amu Darya, when he was preparing an attack against the pro-Bolshevik garrison in Petro-Aleksandrovsk in the hope of establishing his power on both sides of the river.³⁰⁸ Agencies in Petro-Aleksandrovsk had little resources to prevent the residents on the right bank of the Amu Darya from aligning themselves with him, especially given that the ruler of Khiva Sayyid ‘Abdullāh (1918–1920) was in fact Junayd Khān’s puppet khan. The use of the title of *qāzī* among the Turkmens of Khorezm was mostly honorific and therefore signalled a tribal affiliation rather than a specific madrasa background. The document in question also shows that the appointment to the position of *qāzī* might satisfy the necessity of a specific community rather than representing a policy of the center. No less important is to note that the *yasāvulbāshī*’s authority to appoint a *qāzī* suggests that the judicial authority of the latter was less than the former’s. Hence, the local population perceived him as the most natural addressee of appeals.

Translation

Let it be known (*i’lām ūl-kīm*) to the *yasāvulbāshī*, refuge of the vizierate, repository of nobleness, and banner of glory, our lord, that our Āgha Jān Īshān from the Amu-Darya Department requested that one judge (*qāzī*) be appointed to solve the conflicts (*da’vā janjāllār*) among the members of the Ātā [tribe] in the other side of the Amu Darya and [their tribesmen living] between Pitnak³⁰⁹ and [the shrine of] Darghan-Ata,³¹⁰ mercy be upon him.

308 See Becker, *Russia’s Protectorates in Central Asia*, p. 223; Qo’shjonov, and Polvonov, *Khorazmdagi ijtimoiy-siyosiy jarayonlar*, pp. 306–307.

309 Pitnak (Fitnak) is a locality approx. 80 km southeast of Khiva, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 577, note 359; Danilevskii, *Opisanie Khivinskogo khanstva*, p. 109; N.S. Lykoshin, *Zapiska Nachal’nika Amu-Dar’inskogo Otdela Polkovnika Lykoshina o sovremennom sostoianii Khivinskogo Khanstva, 1912 god*, TsGARUz, f. I-2, op. 1, d. 314, l. 31.

310 On the locality of Darghan Ata (or Darghan), see Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 32; Guliamov, *Istoriia orosheniia Khorezma s drevneishikh vremen do nashikh dnei*, pp. 117, 141.

For this reason, we appeal to you so that you can convey our request to our Majesty (*ḥazratīmīz*) and the *qāzī kalān-īshān*, to entrust Mullā Najm from the Amu-Darya Department, with a seal together with a diploma of appointment (*yārliq bila muhr ālib birsūnlār*). That was the request of our Īshān [Āgha Jān]. This request (*khaṭ*) was written on Sunday 14 Zī al-qaʿda 1337 [10.08.1919].

Seal: Muḥammad Qurbān Sardār b. Ḥājji Bāy, 1337

Document 62: A Notification by a Provincial Governor to the *yasāvulbāshī* about the Intention of the Disputing Parties to Solve the Dispute before the Khan³¹¹

Introduction

Two liegemen sued a Qazaq. They most probably did so before a local governor. When negotiations proved insufficient to determine a resolution, the parties made a vow (*va'da*)³¹² to solve their conflict before the khan. They did so in the presence of an official who recorded their vow and entrusted this document to one of the plaintiffs. The vow consisted of several stipulations. Firstly, they agreed to meet in Khiva within three days. Secondly, they determined that, if one party failed to appear before the royal court in time, the latter would appoint an attendant (*yasāvul*) to assist the other party. The *yasāvul* should escort the attendee to meet with the absentee and act in the capacity of mediator. The absentee party should be also made liable to pay the attendant's fee. The document was then entrusted to one of the plaintiffs and it is likely that he would produce it to the royal court in Khiva upon his arrival.

Translation

Two liegemen (*nawkar*) from Qīlich Bay,³¹³ Khāl Nīyāz Yūzbāshī and Şafar Muḥammad filed a claim (*da'vā*) against Ḥamza the Qazāq. As [the parties] were willing to pursue the resolution of the conflict before the royal court of our excellence, let his rule last forever (*dargāh-i 'ālilarīda şāf bül māqchī bülüb*), they made a vow (*va'da*) to [attend to this task] within 3 days. They also promised that, if within the afore-mentioned period one [party] does not turn up at the court of the sovereign (*dargāh-i 'ālam-panāh*) and does not find [the

³¹¹ TsGARUz, f. I-125, op. 1, d. 498, l. 41.

³¹² This is a procedure also applied in dispute settlements according to Qazaq customary law, see Sartori, "Murder in Manghishlaq: Notes on an Instance of Application of Qazaq Customary Law in Khiva (1895)," p. 243.

³¹³ Qlich Bay (Qilich Niyāz Bāy) was a settlement located circa 70 km west of Khiva on the bank of the canal bearing the same name, see Basiner, *Estestvenno-nauchnoe putesthestvie po Kirgizskoi stepi v Khivu*, pp. 347–348; Danilevskii, *Opisanie Khivinskogo khanstva*, p. 106. Kuhn reported in 1873 that unlike many other Khorezmian cities of the time Qlich Niyaz Bay was not surrounded by city walls and residents' houses were scattered among various gardens, see his *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, l. 47.

other party], the party who does go should inform [the royal court] and receive an attendant (*yasāvul*), while the absentee should pay the latter's fee (*yasāvul haqqī*). I entrusted this notification (*khat*) to the afore-mentioned Khāl Niyāz Yūzbāshī on Friday 8 Ramazān 1332 [30.07.1914].

Seal: Muḥammad Laṭīf Khwāja b. ʿAbd al-Karīm Khwāja, 1331

Document 63: A Notification by a Provincial Governor to the *yasāvulbāshī* about the Intention of the Disputing Parties to Solve the Dispute before the Khan ³¹⁴

Introduction

This document is very similar to the preceding one. A chieftain of a group of Qaradashli Turkmens sued a Qazaq for the theft of a camel. He most probably did so before a local governor. When negotiations proved insufficient to determine a resolution, the parties made a vow (*va'da*) to solve their conflict before the khan. The vow consisted of several stipulations. Firstly, the two parties agreed to meet in Khiva within five days. Secondly, they determined that, if one party failed to appear before the royal court in time, the latter would appoint an attendant (*yasāvul*) to assist the other party. The attendant would escort the attendee to meet with the absentee and act in the capacity of mediator. The absentee party would be also made liable to pay the attendant's fee. The document was then entrusted to the proxy and it likely that he would produce it to the royal court in Khiva upon his arrival.

Translation

A certain Qīlich Vakīl³¹⁵ Qarādāshlī³¹⁶ filed a claim against Chupān Bāy, a Qazāq, for the death of a camel. As [the parties] were willing to go to the royal court (*dargāh-i 'ālilarīda*) to pursue the resolution of the conflict (*ṣāflāshmāqchī būlūb*), they have made a vow (*va'da*) to [attend to this task] within 5 days. They [thus expressed] the intention to meet before the court of the sovereign (*dargāh-i 'ālam-panāh*) within the afore-mentioned [period of] 5 days. They also promised in our presence (*hužūrimīzda*) that, if within the afore-mentioned period one [party] does not turn up at the court of the sovereign and does not find [the other party], the party who does go should receive an attendant (*yasāvul*), while the absentee should pay for the latter's fee. I entrusted this binding promissory note (*bāyluv khaṭī*) to Qīlich Vakīl on Monday 24 Rabī' al-ṣānī 1332 [21.03.1914].

Seal: Muḥammad Laṭīf Khwāja b. 'Abd al-Karīm Khwāja

³¹⁴ TsGARUz, f. I-125, op. 1, d. 498, l. 43.

³¹⁵ *Vakīl* (or *vekil*) – one of the common designations in 19th-century Khorezm used for the Turkmen tribal aristocracy, see Bregel, *Khorezmskie turkmeny v XIX veke*, p. 129.

³¹⁶ On Turkmen clan Qaradashli, see above the footnote 90 to Doc. 20.

Qāẓī's Reports

Document 64: A Report by a *qāẓī-ra'īs* about the Intention of the Disputing Parties to Solve the Dispute before the khan³¹⁷

Introduction

This is a report that a *qāẓī-ra'īs*³¹⁸ addressed to the ruler after that the royal court requested that he examine the status of a woman after the death of her husband. Somebody must have appealed to the agencies in Khiva claiming that the widow had in fact married another man before the expiration of the mandated waiting period (*'idda*). In an earlier report, the jurist explained that a number of people had already acknowledged that the husband had passed away six months earlier. Such an acknowledgement was most probably notarised in a *sharī'a* court and attested to the expiration of the widow's waiting period. The judge, however, wanted to show himself to be particularly diligent in fulfilling the request of the royal court and claimed that the afore-mentioned acknowledgment had been made in bad faith. He thus heard another man, presumably somebody influential within the local community, who provided a testimony corroborating the information about the expiration of the waiting period. The judge went on to question the woman and put her under oath. As the woman did not refrain from swearing, the *qāẓī* solemnised the new marriage. This document illuminates at least three aspects of Islamic legal culture in 19th-century Khorezm. Firstly, Khivan subjects must have assumed that, amid the variety of legal services supplied by the Qonghrats, the royal court could solve issues pertaining to Islamic family law. Secondly, to solemnize the marriage of a contract for a widow who was suspected to be still in her waiting period required the *qāẓī* to gather all the available circumstantial evidence on her status. Thirdly, before writing this report, the jurist had taken for granted that he would have to go to the royal court and report orally about the state of the case. This would suggest that the *qāẓī* had already accounted for his own activity directly to the chancery in Khiva.

317 TsGARUZ, f. I-125, op. 2, d. 606, ll.1–10b.

318 It was quite common among jurists in 19th-century Khorezm to be appointed to both the office of 'judge' (*qāẓī*) and 'moral enforcer' (*ra'īs*), see Sartori, *Visions of Justice: Sharī'a and Cultural Change in Russian Central Asia*, appendix 1.

Translation

He is the Almighty! Let us address one hundred thousand praises and encomia to his majesty (*ḥazrat*), the trustee of the sultanate (*amīn al-salṭana*) and the pillar of the state (*rukn al-dawla*), the beloved of the learned ones (*muḥibb-i ṭulamā*), the friend of the poor ones (*mushfiq-i fuqarā*), and fortune-bearing refuge for the outcasts (*ghurabā-nīng darbār-i falak-madār*); and let the rays of the sun illuminate the recesses of the mind (*ma'lūm zamūr*). You have been informed (*ma'rūza būlghān*) that Māmā Jān Bika's husband died six months ago. Mullā Īr-Niyāz, Jukān Šūfī, Muḥammad Niyāz Mirāb, Razzāq Birdī Makhzūm, 'Ibādullāh Maḥram, Bābā Jān Jarchī, Muḥammad Niyāz Bāy and other such people (*mūndāgh ādamlār*) confirmed it (*iqrār būldīlār*).³¹⁹ [However,] we do not believe (*bāvar qilmāyin*) what they said and we did not solemnize the marriage (*nikāḥ*). [A certain] Sayyid Rizā Khwāja Īshān also said that he testifies (*shāhidmīz*) that the waiting period (*'idda*) of this woman (*khātūn*) has [already] elapsed. After that, we held an inquiry (*mubāshir būlūb*). We questioned her whether she was pregnant and whether her waiting period [has already passed] (*ḥamlīn va 'iddasīn sūrāshīb*). We put her under oath (*ānt bīrīb*). [In the end] we contracted (*'aqd qilib*) [a marriage between] her and Pahlavān Niyāz. Four months passed when he went to Urgench and [there] the *rai'ses*, as soon as they knew that he got married, gave him a certificate [of marriage] and extorted (*zūrdīn*) from him a fee for contracting a marriage (*nikāḥāna*). All the afore-mentioned people were present at the marriage which your suppliant solemnised on the basis of their testimony (*sūz*). When we asked your confidant (*maḥram*) whether we too were summoned [to Khiva], he answered: 'No!' For this reason, we did not come, but we illustrated instead the case by writing (*qalam tili bīla*). Otherwise, your suppliant (*du'āgūylārī*) would not have the smallest reason to write [and indulge in] such disrespect (*mūndāgh bī-adablik*). Peace be upon you! The paper given by Muḥammad Rizā has finished. Your suppliant cannot not find appropriate paper to write in the desert. Would you give us 20 reams (*dasta*) of paper? You know best. Or do you want [us] to write on any kind of paper which is to be found [here]? If you give us some paper, [please consider that] 'Ibādullāh Maḥram lives close to your suppliant. Lord! Lord! Lord!

Seal: Qāzī va ra'īs Maḥmūd b. Dāmullā Muḥammad Karīm

319 This is most probably a scribal mistake, for the intended meaning should have been formulated either as *muqirr buldīlār* or *iqrār qildīlār*.

Document 65: A Report by a *qāzī-ra'is* to Authorities in Khiva about the Outcome of a Conflict at a Local Bazaar³²⁰

Introduction

A local *qāzī-ra'is* informed *qāzīs* in Khiva about the outcome of a conflict over a place at a bazaar, which ended with an assault and bodily harm. At first, the defendants denied responsibility. However, after the deposition (*akhbār*) of other people, they proposed to the aggrieved party an amicable settlement (*ṣulḥ*). The latter consisted of a withdrawal of the claim in consideration of a sum of money. In his report to the agencies in Khiva, the *qāzī* emphasised that it was the defendants who took the initiative to end the conflict amicably without, that is, his direct involvement. While this document is addressed to other *qāzīs*, it is equally possible that the claimant first appealed to the royal court and that the latter instructed jurists in Khiva to deal with the case. The procedure at this point trickled down to the hearing of the *qāzī*. Most probably, judges in Khiva fulfilled the same duties of the *yasāvulbāshī* at an earlier stage in the history of Qonghrat rule over Khorezm.

Translation

Let it be known to the *qāzīs* of Islam and the respected governors that [a certain] Tājī Niyāz, a draper (*bazzāz*), filed the claim (*ʿarṣ*) that he had placed his personal possessions (*māl*) in someone's unused workshop (*dūkān*) located at the entrance of the market. A certain Khudāy Birgān and Shafīʿ Bābā told him to leave [the premises of] the shop. [Then] they unlawfully (*bī vajh-i sharʿī*) assaulted him and broke one tooth. Furthermore, they dislodged one other tooth and shifted two. [As a result], he came with one tooth in his hand and three wobbly teeth in his mouth. Khudāy Birgān and Shafīʿ Bābā denied (*inkār*) [the claim]. Three or four men came and confirmed (*akhbār qildilār*) that they [= the accused] assaulted [Tājī Niyāz]. [At that point,] the afore-mentioned Khudāy Birgān and Shafīʿ Bāy went outside. [When they came in] they expressed their willingness to reach an amicable settlement (*ṣulḥ qilmāqchī*) by offering 5 *tillā* [to Tājī Niyāz] and telling him to withdraw the claim (*daʿvāngnī qūy dīb*). [This is] the state of the case [and it] was submitted [to you]. You know best. The document (*khaṭ*) was written on 7 Shaʿbān 1267 [06.06.1851].

Seal: Qāzī va ra'is ʿAbd al-Yaʿqūb³²¹

³²⁰ TsGARUZ, f. I-125, op. 2, d. 606, ll. 7–70b.

³²¹ We have been unable to decipher the seal.

Document 66: A Report by a *qāẓī* to the Royal Court about a Dispute over Land Ownership³²²

Introduction

This is a report about the adjudication of a conflict over landownership in Astana, which originated from a division of inheritance. During the hearing both parties produced written evidence, a situation that led the *qāẓī* to require testimony from the claimant. The latter complied with the request, while the defendant did not appear before the *qāẓī*. He let the jurist know, instead, that he would bring the case to the royal court in Khiva. It is interesting to note that the hearing first occurred in a *sharī'a* court after the two parties mutually agreed to solve their case before a *qāẓī*. We may infer that such an agreement was reached in order to avoid filing a lawsuit in Khiva and paying the fees entailed by the implementation of royal justice. This case also clearly shows that in the eyes of the conflicting parties, the courts presided over by *qāẓīs* and the royal court in Khiva represented two alternative legal forums among which locals could choose to pursue their own interests. Equally, we should be alerted to the fact that this report attests to the existence of a judicial hierarchy according to which *qāẓīs* were expected to report to the royal court, even when parties first resorted to the former.

Translation

After the fulfillment of one hundred thousand praises to our Prince, the refuge of the vicariate (*nāyibat-panāh*), the master of alchemy (*tūra-mīznīng janāb kīmyā ta'şīrlārī*), the repository of government, the knower of subtleties (*daqīqa-shunās*) who grasps the basis of Greek philosophy (*Falātūn asāsī*), let it be known (*'arż būkīm*) that Mū'min Khwāja and his brothers' sons came to our office in Āstāna³²³ and filed a lawsuit (*murāfa'agha ūltūrdīlār*). Each party produced a written document (*khaṭ*). Mū'min Khwāja's mother entrusted to her son a document illustrating that [the land] is her property (*mulkīm dīb*). The other party possesses a document showing that [the land] is their grandfather's property. They also said that the land [in question] belongs to their grandfather who entrusted the deed to them. For this reason, I required them to provide witnesses (*guvāhgha sālīb*). And when they brought their witnesses, I was informed that Mū'min Khwāja had gone to the city [of Khiva] (*shahargha kītīb tūr*). This is the state of the case as it occurred before us. [But] you know best. Everything is temporary. Peace be upon you and those who follow the

322 TsGARUZ, f. I-125, op. 2, d. 606, l. 8.

323 Astana is located 16 km east of Khiva, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 594, note 416.

right path! I am sorry; I am sorry. Furthermore, many people say that the land is Amīn Khwāja's property.

Seal: Qāzī-yi sharʿ-i sharīf Muḥammad Murād ustād-i karīm-i ʿaṣr va khashm az ḥadd-i ziyād

Document 67: A Report by a *qāzī* to the Royal Court about an Unspecified Dispute³²⁴

Introduction

This document is a report that a *qāzī* sent to the royal court in Khiva. In compliance with the instructions (*nishāna*) that he had received, the jurist summoned the parties to a dispute.

Translation

Let it be known from this appellant, a man of long-standing service and of one hundred thousand weaknesses, to the office of our prince (*tūra-bīk*), his excellency, the pillar of the state, [a man] of noble dignity and exalted quality (*raft̃ manzilat sutūda khiṣlat*), [a man] of angel-like trait (*fīrīshṭa-ṭayyinat*), the confidant of the *amīrs* and the best of lords, the defender of the poor, the supporter of the weak, a man who applies the religion of Muḥammad, the patron of the law of the Prophet, who is the cause of security and tranquillity, that a certain Burīnjuq Durdī was given your order whereby the conflict between the above-mentioned Durdī with Muḥammad Nafas and Muḥammad Qīlich be solved by collecting the *kadkhudās* of both parties in accordance with their customs (*ūz dastūrlārī birla*). Having accepted [your order] wholeheartedly, we sent a message from Durdī to the aforementioned Muḥammad Nafas and Muḥammad Qīlich. Muḥammad Nafas appeared, but Muḥammad Qīlich failed to do so. Perhaps, as we heard, Durdī has insulted him [Muḥammad Qīlich]. Now you know best. Lord! Lord! Lord!

Seal: Qāzī Jān Muḥammad b. Mullā Muḥammad Durdī

³²⁴ TsGARUZ, f. I-125, op. 2, d. 606, ll. 10–100b.

Document 68: A Report by a *qāzī* to the Royal Court about a Conflict over an Unpaid Fee and an Ensuing Case of Assault³²⁵

Introduction

The administrator of a charitable endowment (*vaqf*) attempted to collect rent from a tenant. The latter assaulted the administrator, who was also cursed at by the tenant's younger brother. The aggrieved party filed a claim against the two people before a judge. The *qāzī* sent someone who apprehended the tenant's younger brother and brought him before the *qāzī*. At this point, the trustee sued the young man. The local community gave testimony in favour of the claimant and the judge had the defendant punished by lashing. Later that day the tenant came before the judge and filed a claim against the administrator. The *qāzī* postponed the hearing. When the tenant appeared again before him, the former stated that the administrator's relatives had attempted to kill him and that he wanted to bring the case to the royal court in Khiva. Though the *qāzī* recommended the claimant to wait for the arrival of the administrator, the former nonetheless left for Khiva. There are two possible readings of this notification. It could be a sort of cover letter that the peasant asked the *qāzī* to write in order to provide the royal court with the necessary information to process his appeal. It may equally be that the judge took the initiative to compile this letter in order to explain to the royal court the reason why the conflict had not been solved at his court. This text clearly illustrates how the populace perceived the royal court as an alternative venue to the *sharī'a* court.

Translation

After countless praises to the caliph of the greatest sultan, the deputy of estimable khans, beloved among the scholars and compassionate towards his subjects (*khalīfa al-sultān al-a'zam wa nāvib al-khāqān al-muhtaram muhibb al-ulamā mushfiq al-fuqarā*), our petition (*'arzimīz*) is [as follows]: Dāmullā Raḥmatullāh came on Friday before the prayer time and stated that a certain 'Abd al-Raḥman had beaten him when [the former] had come to him in order [to collect a share] in wheat of the *vaqf* [his produce]. [He also stated that 'Abd al-Raḥman's] younger brother had cursed (*sūkdī*) [him]. After that, I dispatched a man (*kīshī*), who brought ['Abd al-Raḥman's] young brother [before me]. [At this point, Dāmullā Raḥmatullāh] filed a lawsuit (*murāfa'a qıldilār*). ['Abd al-Raḥman's] young brother denied [the claim] (*munkir*). Subsequently, a community (*bir būlak jamā'a*) witnessed that the cursing had indeed taken place. After that, I punished him (*ta'zīr*). As they beat [him] six times, [Dā]mullā [Raḥmatullāh] expressed satisfaction. Then, at the night prayer

325 TsGARUZ, f. I-125, op. 2, d. 606, l. 17.

(*khuftan*), the afore-mentioned ‘Abd al-Raḥman appeared [before me] and [expressed his intention] to file a lawsuit (*murāfa‘ qīlajaq būlūb*) against the afore-mentioned [Dā]mullā [Raḥmatullāh]. I told him to come the next day. He came on Saturday morning at the prayer time and stated that in the evening, on his way back, three relatives (*qarīndāsh*) of [Dā]mullā [Raḥmatullāh] attempted to kill him. [He also claimed] that the traders got him out of [his assailants] and escorted him away. ‘Abd al-Raḥman said that he wants to appeal to the Prince, His Majesty (*tūra ḥaẓratimīzgha ‘arẓimīz bār*). I recommended first to relinquish the claim of cursing and then to go [to Khiva]. [I also suggested] ‘Abd al-Raḥman to wait for [Dā]mullā [Raḥmatullāh] to come. But prior to his arrival, ‘Abd al-Raḥman left [for Khiva] in order to appeal to you. The notification (*‘arīza-nāma*) has been written.

Seal: Qāẓī³²⁶

326 We have been unable to decipher the seal.

Document 69: A Report by a *qāzī* to the Royal Court about a Case of Homicide³²⁷

Introduction

In the vicinity of Pitnak, a judge received instructions from the royal court in Khiva to make an inquest into a case of homicide. This document is a rescript to such instructions. It does not provide any detail which may be helpful to shed light on the contours of the case. Instead, the judge informs his addressee about his having proceeded precisely according to the instructions which he had received from agencies in Khiva. He thus asked the local *kadkhudās* to verify whether a certain man witnessed the homicide. The judge's rescript explains that *kadkhudās* have established that the testimony provided by the alleged witness is unreliable by dint of his interests in the properties belonging to the departed. The document shows that the *qāzī* acted exclusively within the purview of the instructions coming from the royal court. He had no authority to initiate an inquest of his own volition.

Translation

After uttering one hundred thousand words of praise and worship, my supplication (*ʿarḥ būkīm*) to the highest threshold of our Majesty – may his rule prosper! – [he who is] his majesty, the caliph of the merciful, the shade of the Almighty, the personification of Alexander [the Great], the guardian of Caesar, the source of peace and well-being (*ḥaḥrat khalīfā al-raḥmān ḡill al-subḥān iskandar-nishān qaṣsar-pāsbān bāʿiṣ al-amn wa al-īmān*), is that we summoned the *kadkhudās* of Pitnak and interrogated (*sūrāshdūq*) them. Afterwards they said that the testimony of [a certain man] [who claimed] that he and his wife (*ḡaʿīfa*) saw [the culprit] is deceitful (*yālghān*). But he himself was deprived of his share of inheritance (*mīrās*), and [thus] intended to murder [the deceased one] and take possession of his property (*mulḡigā īḡā būlmāqchī*). He seems also to have forcibly seized (*bāsīb ālib*) the deeds (*khaṭ*) belonging to the underage children (*ṣaghirlār*) of the deceased. I held an inquiry into the matter and sent [a report] to His Excellency. The *kadkhudās* would know more about the departed. But you know best, [my Lord: you are] the follower of [He who is] the eternal divine one, may your rule last forever.

Seal:³²⁸

327 TsGARUZ, f. I-125, op. 2, d. 37, l. 1.

328 We have been unable to decipher the seal.

Document 70: A Report by *qāzīs* to the Royal Court about a Case of Homicide³²⁹

Introduction

The leaders of the 'Arab community sought for redress against the residents of Qara-tupe and appealed to the royal court. The agencies in Khiva instructed an attendant to deal with the case. The latter reached the locality and during the negotiations beat one of the respondents (i.e., a resident of Qara-tupe) thereby causing severe injuries. The injured man later died. The homicide triggered a new appeal to the royal court that instructed the local *qāzīs* to inspect the corpse in the presence of other liegemen and the leaders of the local community and report back. This document is the succinct report that the *qāzīs* addressed to the royal court. The examination of the corpse consisted only of verifying the presence of bodily injury. It is clear that the *qāzīs* acted in the capacity of legal advisors alone and complied with the instructions that they had received from the royal court.

Translation

Our petition (*ʿarʿ*) to our excellent lord (*janāb-i ʿālilārī*), our Prince (*tūra-bīk*), is [as follows:] the residents (*fuqarālār*) of Qara-Tūfa³³⁰ appealed (*ʿarʿ*) to your office (*khizmatīnkiz*) [and complained] that the 'Arab clan (*tāʿifa*)³³¹ escorted a man, a certain Qūtlī Murād, to our place [in the capacity of] attendant (*yasāvul*). [The latter] assaulted a certain 'Abd al-Rahīm Šūfī causing bodily injury (*majrūh*). As a result of these blows (*ẓarb*), the afore-mentioned Šūfī has died. You had showed your mercy and instructed your supplicants (*duʿāgūylār*) to send our men (*ādamimīz*) together with several *kadkhudās* to inspect the deceased. Thus we together with the *kadkhudās* of this locality (*mavzīʿ*) examined the corpse (*ūlūk*). The back showed bruises (*kūk bār īrkān*). This is all

329 TsGARUz, f. I-125, op. 2, d. 37, ll. 5–50b.

330 Most probably this refers to Qara-tupe, a place located 2–3 km southeast Khiva, see Ivanov, *Arkhiv khivinskikh khanov XIX v.*, p. 36 and Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, p. 591, note 405.

331 In 1873 Kuhn noted the presence of communities of 'Arab that amounted to 348 households and resided in the province of Khiva. Regardless of the fact that the majority of them took the custom and the language of the local population, they identified themselves as 'Arabs and avoided to mix with other local groups. See A. Kun, *Ocherk istorii zaseleniia Khivinskogo khanstva s drevnykh vremen, sostav ego sovremennogo naseleniia, administratsiia i goroda khanstva*, 1873, IVRRAN, St. Petersburg, Arkhiv Vostokovedov, f. 33, d. 8, ll. 17–170b.

what your supplicants found out (*ma'lūm*). Now you know best (*ūzlārī ṣāhib-i ikhtiyār*). Be resplendent! Peace be upon you!

Seals: Qāzī va ra'īs 'Umar Khwāja³³²

Qāzī Raḥman Birdī³³³

332 We have been unable to decipher the seal.

333 We have been unable to decipher the seal.

Document 71: A Report by a *qāzī* to the Royal Court about a Case of Homicide³³⁴

Introduction

A judge sent a report to the ruler in Khiva after he had examined a homicide scene. The *qāzī* provides a cursory description of the two corpses and their clothes. He puts emphasis on the fact that the two bodies were found on the private estates of the khan on a public thoroughfare. This place was situated relatively far away from where the two individuals, who belonged to the Uzbek tribal group called Manghit, usually resided. The judge took this initiative most probably on account of the established practice that the community residing where a corpse is found should be held liable for the homicide and thus compensate the family of the deceased. The absence of blood is also noted as if the *qāzī* wanted to suggest that the two bodies had been carried there after the homicide.³³⁵ The author gives account of the fact that the corpses were buried in the presence of official representatives of the settled and tribal communities living in the district. Apparently, the *qāzī* had seized the occasion of the burial to collect other information on the two departed, but besides the tenants inhabiting the lands belonging to the ruler, nobody had heard of the assassination. In writing to the royal court, the *qāzī* fulfils most probably the instruction to inspect the corpses and describe their belongings. He evidently complies with such a request alone thereby avoiding having to take other initiatives.

Translation

[After] innumerable and endless praises for the well-being of our Prince, let his life and throne thrive, let it be no secret that we executed Your order (*amrlārī*) to the best of our ability. One of the dead (*mayit*) was a white-bearded (*āqsaqāl-līq*) *qulchamāq* [?] [man]. The old man had two old robes (*tūn*), a Qazaq kaftan (*chakmān*), an old knife, and [a pair of] old boots. The second [dead man] was a young man with no beard (*bī-saqāl yigīt*). He had three robes: one of them was red, another was white *bālqī* [?], and [the third] was an old one. He had one white skull cap (*taqīya*), one [dark] blue hat (*shifirma*). These two corpses lie on the land of his majesty [the Khan] (*ḥazratimīznīng yirlārī*), on a public thoroughfare (*rāh-i ʿamma*). No blood was found around them. Between [the place where] the corpses [lie] and Manghit people (*ahl*) there are circa 20 *ṭanāb* of land. The *kadkhudās* of the tenants

334 TsGARUZ, f. I-125, op. 2, d. 37, l. 6.

335 For another homicide case in which a similar juristic thinking is applied, see Sartori, *Visions of Justice: Sharī'a and Cultural Change in Russian Central Asia*, p. 83.

(*kārandā*), those of the Qipchaq [people], those of the Arabachī,³³⁶ and those of the Manghit came and buried [the corpses]. It seems that the Qipchaq officials (*‘amaldārlār*) were not informed [about these homicides]. [Only] the tenants informed their own *qāzī*, while the *kadkhudās* of Manghit did not hear anything [about the homicides].

Seal: Qāzī³³⁷

336 Bregel' writes that the Turkmen tribe Arabachi in the first half of the 19th century settled mostly on the right bank of the Amu Darya. He also suggests, however, that in the 1860s a group of Arabachi was granted some land around Uyghur. See his *Khorezmskie Turkmeny v XIX veke*, p. 36.

337 We have been unable to decipher the seal.

Document 72: A Report by a *qāzī* to the Royal Court about a Case of Homicide³³⁸

Introduction

A *qāzī* informs the royal court in Khiva about the case of a woman who was found dead on the bank of a canal. The leaders of the local community suspected her husband of murder. The *qāzī* thus resorted to torture and the respondent admitted responsibility for the murder. The community leaders conferred additional probative value on this confession by confirming that the culprit had a bad reputation. In reporting to the royal court the jurist asked for further instructions with regard to the culprit's detainment and his punishment. The *qāzī* referred to a pronouncement of the local community leaders who warned him that, if the culprit were left unpunished, his behavior would oblige them to leave the country for another place.

Translation

After sending myriads of praises, our plea (*ʿarż*) to the threshold of the heavens' seat, our Majesty – may his rule prosper! –, the caliph of the merciful, the shade of the Almighty, is [as follows]: someone assaulted and killed his wife (*ẓaʿīfa*) on the bank of the Khāṣṣa [canal].³³⁹ He brought and left [her body] on one side of Shah-Bābā's cemetery (*mazārāt*). I gathered the *kadkhudās* and questioned them. They said that it was her husband (*kuyāvi*)³⁴⁰ who killed her. Consequently, I put the husband under torture (*qīynādūq*). He confessed (*iqrār*) that he was the one who murdered and abandoned her. Even the *kadkhudās* avowed that this damned [murderer] is an extremely bad (*ziyāda yamān*) [type of man]. [They also warned me that,] should he avoid [the consequences] of this event (*ḥāditha-dīn qūtūlūb chīqsa*), he would force them all to move. But you know best (*ṣāhib-i ikhtiyār*). The petition (*ʿarż-dāsh*t) was written. [My Lord: you are] the follower of [He who is] the eternal divine one, may your rule last forever. Amen and [thanks be to God who is] the Lord of the universe. And another supplication is that the deceased woman had neither relatives nor anyone else.

Seal:³⁴¹

338 TsGARUz, f. I-125, op. 2, d. 37, l. 7.

339 Judging from the accounts of Munis and Agahi, the Khāṣṣa canal was located in the vicinity of Hazarasp, see Munis and Agahi, *Firdaws al-iqbāl: History of Khorezm*, pp. 417, 487.

340 In contemporary usage, *kūyāv* means son-in-law.

341 We have been unable to decipher the seal.

Document 73: A Report by a *qāẓī* to the Royal Court about a Case of Homicide³⁴²

Introduction

Agencies in Khiva received notification about the murder of a certain ‘Azīm Bāy. Consequently, they instructed a local *qāẓī* to examine the corpse and collect circumstantial evidence about the case. Together with a *yasāvul* from Khiva, the *qāẓī* reached the scene of the homicide and examined the corpse in the presence of the local community. He determined the presence of bruises, but he was unable to ascertain what caused the death. In reporting to the royal court in Khiva, the *qāẓī* added hearsay information, which he had collected from the locals. He referred to an earlier conflict between the family of ‘Azīm Bāy and certain people who had caught him in the night, most probably as he was trying to break in. On that occasion, ‘Azīm Bāy was in possession of a knife. The people disarmed him, but he escaped. It is likely that the *qāẓī* thought that this information could be relevant to establish a list of suspects for the homicide case.

Translation

After fulfilling [the duty] of exalting (*‘arīza-dāsht adāsīdīn sūngra*) [our Lord], our petition to the sublime office of our prince and our plea (*‘arẓ*) is that, in order to comply with your noble order (*amr-i ‘ālī*) to examine the corpse (*ūlūk*) of a certain ‘Azīm Bāy, the son of Shahrī Bīka, ascertain the presence of wounds, injuries, and [any other] signs on all parts of his body, arrange for the *janāza* prayer to be performed, oversee his burial (*dafn*), and entrust to an attendant (*yasāvul*) a report (*khaṭ qīlīb*) [to your office, we proceeded as follows:] the attendant and I reached [the place where] the corpse [was to be found], gathered all the [local] people (*ūlūgh va kichīklārīn*), and took off his clothes, and examined him. We noticed the presence of blood coming from his mouth and nose; and from his chest to the lower part of his navel as well as under his armpits there were bruises (*kūk*). The body was not broken or deformed, nor was it severely injured. We could not ascertain what had produced (*vajh*) those bruises. Besides this, a month prior to this occurrence, people who were denouncing Shahrī Bīka (*da ‘vāgarlār*) brought an old robe, a knife, and a

342 TsGARUz, f. I-125, op. 2, d. 37, l. 9

tūzūk [?]. [They said that] they had caught ‘Azīm Bāy in the night on the roof but he ran away leaving his knife, and a *tūzūk* [?]. This is the state of the case (*ṣūrat-i vāqī‘a*) [that] was submitted [to your consideration]. You know best. Lord! Lord! Lord!

Seal:³⁴³

343 We have been unable to decipher the seal.

Texts in Chaghatay



حضرتیز دام دولته [*]¹
 جمعه نیازنیک اوکای اوغلی قوچقار صغیرنیک و ایم سین² بیکه
 امانت تابشورولغان ایلیک طلالیق تنکه
 برلان ایلیک طلالیق خط و برآین برماکان
 وجه دین بیک جان غه دعواسی بار ایرکان محمد یوسف 5
 یساول باشی نی نوکری محمد رحیم بای یساول برلان یکلیب [*]
 نینک درگاه عالی لاریدا صاف بولسون لار یساول حتی
 هر فرسخیغه تورت تنکه دیب ماه ذوالحجه نی
 ۲۸نجی سیدا خط بیتلدی
 ۱۳۲۸نجی یلدا 10
 مهر: محمد یوسف یساولباشی ابن عوض نیاز محرم

[verso]

مناقلی خدای قلی
 بورلاق لی قومیدین ایم سون بیکه
 بنت شیر نیاز اصالتاً اوز طرفیدین وصایتاً
 صغیر اوغلی قوچقار ولد محمد جان طرفیدین دعوی قیلدی بیک جان
 ولد شیر نیاز مای لی جنکل لی بر آط بهاسی ایلیک طلا و ایلیک طلا نقد تنکه 5
 اول جوابی بریب صاف قلدیم دیکانی اوچون
 ایری جمعه نیاز بن رحمن بردی برلان ایم سون بیکه غه انت
 بریلیب حکم ایتکان و ایلیک طلالی خطی برلان یوز طلا تنکه نی
 قاضی ایشان حضوری دا برکان ماه محرم ۸نجی
 ۱۳۲۸ 10

1 The sign * refers to expressions which in the original version of the document are written outside the body of the text and are cross-referenced. Conventionally, such expressions appear at the top of the document; thus we have placed them at the beginning of the text.
 2 This is a textual variation of آیسون, see below *verso* side.

Document 2

حضرتیز دام دولته [*]

مجد صفانینک قیزی سعادت بیکه نی خدای بیرکان اوغلی
 خالمرادغه فاتحه خواند ایتب قلینک پولیدین اوتوز طلا بیریب
 قالغان توپانه لوازم و قلینک پولین تولدوروب بیریب آلمای
 5 و یا جواوین بیرمای تورت ییل بویان خبرلاشمای یورکانی
 وجهیدین آلا رغه دعواسی بار ایرکان سلطان یوزباشی
 یساول بیله کیلیب [*] نینک درکاه عالی لاریدا صاف
 بولسونلار داغی هر فرسخیغه ایکی تنکه دین زیاده یساول حق
 برماسون لار دیب ماه شوال نینک
 10 توقوزلانی سی سه شنبه کونی خط

یبتلدی ۱۲۳۸

مهر: شیخ نصر یساولباشی ابن مجد مراد دیوان بیکی

[verso]

مناق دا ایش نیاز باجبان قومیدین
 مجد صفا بن یعقوب بای نی قیزی سعادت بیکه نی
 مذکور قوم دین خدای بیرکان بن عوز مجدنی اوغلی خالمرادغه بارغان سونکرا
 طوی ایتب برماک بولغان قالینک مالی نی الیب بولغان ایمدی توزوک لباس لاری بیله
 5 طویانه لارین برور دیب مذکور مجد صفا بیله خدای بیرکان نی
 اقراری یازیلدی شاهدهی یساولی و هم کدای نیاز بابا بن حمیت نیاز

Document 3

حضرتیز دام دولته [*]

مروج شریعت نبوی قاضی عسکر ایشانیزنینک معلوم لاری بولغایکیم
 قوشکوفروک سلطانمرا دنینک برکشیده یتی یاریم طناب یری
 عبد الرحیم محرم نینک یری برلان دعوالی بولوب عرض ایتکان اوچون
 5 محمد یوسف یساولباشی نینک نوکری حسن یساول نینک
 یانیه بیر معتبر امین بیرسونلارکیم مذکور امین باریب آلارنینک
 قولیداغی خط لارین کوروب دعوالی یرلارین شریعت بیرلان
 حدود اربعه لارین معلوم قلیب چاک ارالارین آریب
 بیرماک کا دیب [*] نینک امر عالی لاری برلان ماه شوال نینک
 10 ۱۳ لانیجی سید ۱۳۲۸ لانیجی یلدا مرقوم بولدی
 مهر: شیخ نصر یساولباشی ابن محمد مراد دیوان ینیکی

[verso]

اوز حدیمیزدا توردوق دیب معلوم قیلدی لار امین
 لاری برلان دیب ماه شوال ۱۷ لانیجی سید ۱۳۲۸
 قاضی دین قوشولغان امین ملا تاجی

Document 4

حضرتیز دام دولته [*]
 ابراهیم نینک قالینک فولی و لباس و توزوک لارین
 بریب بولغان فاتحه خواندی خدیجه بیکه نی
 نکاح ایتب برماکان لاری وجهیدین
 5 اوراض محمد برلان رمضان لارغه دعواسی
 بار ایرکان شیخ نظر یساوالباشی نینک
 نوکری محمد جان یساوول برلان کلیب [*]
 نینک درگاه عالی لاریدا صاف بولسون لار
 یساوول حتی هر فرسخ غه تورت تنکه
 10 دیب ماه ذوالحجه نی ۲۳ نجی سیدا خط
 بتلدی ۱۳۲۸ نجی یلدا
 مهر: محمد یوسف یساوالباشی ابن عوض نیاز محرم

[verso]

ماه محرم نینک یقی سیدا ابراهیم بن
 قاسم خدیجه بیکه تازه بازارلی بن³ اوراض غه
 مذکور بولغان دعواسین شریعت دا برکان فولیکه
 یتیمش طلا قای تیپ آماقغه خط الیب صاف بولوب
 5 ابراء خط آلوشغان مذکور فول نی مدتی برآی
 زرکفیلی اتاسی اوراض محمد بن طالب تورور
 دیب بو خط مرقوم بولدی ۱۳۲۸

³ sic; clearly should be بنت.

Document 5

حضرتیز دام دولته [*]

مايلي جنكل لی اوراضبای نینک خیوه قلعه لی ایشمراد دیکان دین
 خطلی ایکی یوز طلا قرضی بار بولوب شول دراک دین مايلي جنكل لی
 محمد یوسف غه ایلیک طلا غه بهالاب بر آط برکان مذکور
 5 قرضی غه برماک چی بولوب ینه اوتوز طلا مذکور ایشمرادغه بریب
 مذکور برکان لاری نی حساب ایتای خطلی ایکی یوز طلانی آغانی
 وجهیدین مذکور آدم لارغه دعوی سی بار سبب لی بهادر بای
 ایشیک آقاسی نی نوکری رحمنقلی یساوول ییله موندادرگاه
 عالی لاریغه کیلیب صاف لاشسون لار داغی یساوول غه
 10 فرسخی غه تورت تتکه یساوول حتی برسون دیب [*] نینک
 امر عالی لاری ییله ۱۷نجی ماه ذی الحججه دا
 خط ییتلدی ۱۳۲۸نجی یلدا
 مهر: شیخ نصر یساوولباشی ابن محمد مراد دیوان ییکی

[verso]

اوشبو دعوی نی شریعت غه قوشولوب
 ایلیک طلا بهالیق آت درکیدن محمد یوسف غه
 آنت برکان و مذکور ایشمرادغه اوتوز طلا
 دعوی سین شریعت دا اشیتهای صاف بولوب
 5 خط لاشیب درگاه عالی لاریغه معلوم قیلیب
 چیقدی ذو الحججه ۲۲نجی
 ۱۳۲۸

Document 6

حضرتیز دام دولته [*]

خدایار برلان بیشطنا ب یرنی شریک بولوب آلیب آینک
 قرضیغه بیریشمای یرنی بولوب آلماچی بولغان لاری وجهیدین
 برادرلاری اسکندر و عبد الله و مولا مبردی دیکانلارغه
 5 دعواسی بار ایرکان دهلیز محرمی محمد رحیم یساوول بیرلان
 کیلیب [*] نینک درگاه عالی لاری دا صاف بولسونلار
 داغی یساوول حق هر فرسخ غه ایکی تنکه دیب ماه شوال نینک
 ۷ لانیجی سیدا اوشبو خط مرقوم بولدی ۱۳۲۸ لانیجی یلدا
 مهر: محمد یوسف یساوولباشی ابن عوض نیاز محرم

[verso]

شیرشالی لی ملا خدایار حافق داغی خدایارنینک
 مذکور ایتکان دعواسی ایلاتیدا یراشیب همراه کیلیب یری اوزیدا
 توراتورغان بولوب صافلاشیب کیتدیلا عبد الله اشیک آقاسی یساوولی بیرلان
 کیلیب معلوم ایتدی

Document 7

حضرتميز دام دولته [*]
 آتا جان آقسقال اوراض ينه ديكر آتا جان لارغه سوز اولكيم
 مجد سفا بيله خدای برکان و ايريس كل ييکه لارنينک
 دعوی لارين اصل واقعه لارين تحقيقات سوراشيلهاق
 وجهيدين و ينه مذکورلارنينک قونکرات حاکی دين اورکنج 5
 حاکی غه اوشبو دعوی حقيدا آليب يکلکان خط نی آليب
 يکلماک اوچون دهليز محرمي عالم⁴ بای يوزباشی نينک يباريلدی
 ايمدی خط کورکاچ مذکور آدم لار مذکور يساول بيله موندا
 درکاه عالی لاريغه يکليب بيان واقعه لارين
 آيتسون لار ديب [*] نينک امر عالی لاری بيله
 ۱۷نجی ماه شوال دا خط ييتلدي 10
 ۱۳۲۸نجی يلدا
 مهر: شيخ نصر يساولباشی ابن مجد مراد ديوان ييکی

[verso]

شوال ۲۲
 بوخط هم يساول لی پتک غه داخل واقعه سینی آنکه يازيلدی

4 Textual variation of عالم.

Document 8

حضرتیمز دام دولته [*]

سرشالی لی محمد یعقوب نی قاین آتاسی ایش نیاز اولوب آندین تخمیناً اوچ یاریم طناب
یر

و بیر حولی قالب آنی قرض لاری اوچون ساتیلیب شول یرنی اوزی ایکی یوز طلا
زیاد بریب آلماقچی بولغانیدا بیرمای مذکور متوفانی ورثه لاری نی نارضا ایتکانی
وجه دین محمد رحیم دیکان غه دعواسی بار ایرکان یساول باشی نی نوکری 5
خواجه نیاز ده باشی یساول بیرلان یکیب [*] نینک درگاه عالی لاری دا
صاف بولسون داغی یساول حق⁵ اوچون هر فرسخی غه
ایکی تنکه دین زیاد بیرماسون دیب ماه ذی القعدة نی ۱۳نجی سیدا
خط بتیلدی

۱۳۳۶نجی ییلدا 10

مهر: محمد یعقوب یساولباشی ابن محمد یوسف یساولباشی

[verso]

مذکور محمد یعقوب یر برلان حولی نی
مهرتر آقالارنی حضوری و باشقه
کته لارنی یانی دا بیر مینک بیشیوز طلا غه
ساتغون آلیب قاضی کلان ایشان
هزاراسب قاضی لاری غه فتک بریب صافلاسون 15
دیب ۱۹لانیجی ماه ذی القعدة⁶ دا بتلدی ۱۳۳۶

5 sic.

6 Textual variation of ذی القعدة.

Document 9

حضرتیز دام دولته [*]
 بیش آریقلی قیلچ نیازغه یقی یاریم طناب یرنی مینک طلاغه ساتیب
 سونکرا پشیان ایتب دعوالاشیب شریعت بیرلان دعواسی
 نادرست بولوب ینه آنکا دعوا قیلاتورغان لاری وجه دن
 اسکندر و آبخانیم بیکه دیکان لارغه دعواسی بار ایرکان 5
 یساولباشی فی نوکری جان بک سرهنک یساول
 بیرلان کیلیب [*] نینک درکاه عالی لاری دا صاف بولسون لار
 داغی یساول حق⁷ هر فرسخغه ایکی تنکه دیب⁷ لانی ماه
 ربیع الثانی دا خط
 بیتلدی ۱۳۳۶ 10
 مهر: محمد یعقوب یساولباشی ابن محمد یوسف یساولباشی

[verso]

مذکور قیلچ نیازنی دعواسی شرایت⁸ غه قوشولوب مسئله آلیب
 وهم حکم خط بریلیب یراویز نیکی بولوب مدعا علیه لارنی
 دعواسی نادرست بولغان دیب⁸ لانی ماه ربیع الثانی دا
 ۱۳۳۶

7 sic.

8 Textual variation of شریعت.

Document 10

حضرتیز دام دولته [*]

روزیم بوی لی جمعه نیازی خطی بیش طناب یریغه

خط چیقاریب بی وجه دعوا ایتیب یورکانلاری

وجه دین قربان نیاز ییله خدای بیرکانلارغه دعواسی

بار ایرکان محرم خانه چی محمد رضا یساول ییله 5

یکلب [*] نینک درگاه عالی لاریدا صاف

بولسون لار داغی یساول حقّی هر فرسخیغه

ایکی تنکه برسون دیب ۲۴نجی

ربع الاولدا خط یتلدی ۱۳۳۵

مهر: محمد یوسف یساولباشی ابن عوض نیاز محرم

[verso]

مذکور مدعی روزیم بویلی مسجد بالتاق میراب دا

جمعه نیاز بن عوض نیاز ییله مذکور قوملی خدای برکان و قربان نیاز

بنون ایشمرا دلارنی شریعت غه بو یورولوب قاضی عسکر ایشان دا مرافعه لاشیب

مذکور بیشتناب یر جمعه نیازیکی بولوب مدعی علیه لارنی دعوی لاری فاسد

بولوب

خط ابراء لاشیب صاف لاشیدیلار دیب ۲۹نجی ماه ربیع الاولدا ۱۳۳۵ 5

Document 11

حضرتیز دام دولته [*]

شریعت شعار دیانت آثار قاضی ایشانیزغه اعلام اولکیم
 کندومکانلی روز مجد آقسقال و جمعه نیازلار عرض قیلدیلارکیم
 چرکس کولی نی لییدا مسجدنی وقفی دا نامعلوم بر یاش یکت ملانی اولتوروب
 5 دورلار اولوکی یایتب دور دیب شول سبب لی بر معتبر آدم لارینی
 یساولباشی نوکری قلندر دهباشینی یانیغه قوشسونلارکیم آلا
 همراه باریب مذکور آقسقال کدخدالاری بیله مذکور
 اولوک نی جسدلارین احتیاط لاب کوروب نی طریقه دا
 اولتوروب دورلار شولارنی دقت لاب بیلیب خط
 10 ایتب دفن ایتهلماکی غه جواب بریب واقعه سینی
 موندا دربار عالی لاریغه یکلب آیتسون لار دیب [*] نینک
 امر عالی لاری بیله ۱۷نجی ماه شعبان دا
 خط بیتلدی ۱۳۳۶نجی ییلدا
 مهر: محمد یعقوب ابن مجد یوسف یساولباشی

[verso]

مذکور اولوک نی قاضی ایشان نی آدمی مجد شریف خواجه
 برلان قلندر ده باشی کوروب دورلار طاهر قزاق نی
 آخوق بابا جان ایرکان خوستاری صابر بای نی اوزی آیدیکیم مذکور بابا جان
 اوزی خیالات لی راق ایردی اوز اجلی غه اولوب دور جراحت
 5 یوق ایرکان هیچ کیم غه دعوالاریمیز یوق دیب معلوم ایتدی لار ۱۸ لانی
 ماه شعبان دا ۱۳۳۶

Document 12

سعادت پناه و حکومت دستگاه یساول باشی آقامیزنینک
 جناب عالی لاریغه عرض و اخلاصمیز بوکم بومیر یلی قربان بای
 دیکان عرض ایتب مهد یوسف یساول باشی آقامیزنینک
 نوکری مهد یوسف کاکل بی نی یساول قیلب نکاحلی خاتونیم مسماة
 5 ارض کل بیکه نی آتاسی خدای برکان دیکان زورلیق
 قیلب برمایدور دیکان عرضی بيله و خدای برکان
 مذکور هم عرض ایتب مهد عالم⁹ بای یوز باشی نی عرض ایتب
 مهد جان و بردیراد و قربان بای و خالجان بیکه لارغه
 عالم¹⁰ بای یوزباشی مذکورنی یساول قیلب مذکور آدملا ر
 10 همه لاری راضی لیق غه یکش دیلار و مذکور آدملا ر
 نینک عاجز و بیچاره بولغانلیقی وجهیدین
 خدمتلا ریغه ارسال قیلندی ماه شوال
 نینک سکریده خط بتلدی صاحب
 اختیار اوزلاری تورورلار
 مهر: قاضی و رئیس داملا عبدالله [※]
 قاضی و رئیس داملا الله برکان [※]

9 sic.

10 sic.

Document 13

وزیر الکرام یساولباشی آقامزنینک خدمتلا ریغه معروض اولکم
 تاشخوضلی محمد یوسف عرض قیلدی قونکراتلی محمد یعقوب بای دیکان غه
 امانت تافشوروب قویغان بر مینک بر یوز مناتم بار بولوب سوراغانده
 بیرمای منکر بولوب سونکره حاکم آقاییله کدخدالارغه معلوم
 5 قیلب ایردیم بیشیوز ایلیک مناتم نی بیریب قالغان حقیم نی بیرمایدور
 دیب ایمدی شونی سوراشیب محمد یعقوب غه بر مینک بر یوز منات
 تافشوروب بیشیوز ایلیک مناتین بیریب قالغان حقیم بیرما
 کافی راست بولسه قالغان حقیم آلیب بیریب رضالاشتورسون
 دیب محرابان¹¹ بولغان ایرکان لار شونی سوراشیب کوردوک
 10 بر مینک بر یوز منات محمد یعقوب غه تافشوریب قویب ایردیم
 سوراسام بیرمایدور دیب محمد یوسف نی ایتکان دعواسیغه
 محمد یعقوب منکا تنکه تافشورغانینک یوق دیب منکر بولغان

[verso]

بولغانیدین سونکره قاضی ایشان لارغه قوشولغان ایرکان سونکره
 بی لار و قلعه کاسب لاری همه اتفاق ییله ایکی لارین آنت
 15 لاشتورمای بیشیوز ایلیک منات غه اصلا ایتب محمد یعقوب دین
 محمد یوسف بای غه بیش یوز ایلیک منات آلیب بیریب قاضی ایشان
 لار حضورلاریده ابراء خط لاشتورغان ایرکان لار خدمت
 لاریغه معلوم قیلورمز نه محرابان¹² بولسه لار صاحب اختیار دور
 لار دیب اوشبو عریضه ۱۳۳۵ ماه ربیع الثانی نینک ترتلانی
 20 سیده یتلدی
 ۱۳۳۵ لانی سیده ۴ لانی ماه ربیع الثانیده
 مهر: بهادر محرم یوزباشی

11 Textual variation of مهربان.

12 sic.

Document 14

عزت نشان یساوول باشی آقانیکن معلوم لاری بولسونکیم قرق یافلی
 اتابای دیکان خدمت لاریغه عرض ایتوب بیکجان دیکان قریم نی فاتحه
 ایتوب بیر یوز اوتوز منات بریب باشقه لوازیم لارین ایتای نکاح
 ایتاچی تورور دیب یساوول یکتورکان ایرکان شول سبیلی موندان
 5 ایل آقسقال کتخدالارنی¹³ اتفاق ییله باقی قالغان قالینکینی و
 توی لوازیم لارین بتم آلیب بریب اوز رضالیتی بيله
 توی ایتوب برماچی بولوب رضالاشدوریلدی اوشبون
 معلوم قیلورمیز دیب ۲۴ ماه صفرده
 خط بتلدی ۱۳۳۴نجی یلده
 مهر: محمد یعقوب بای ابن [جبار قلی محرم]

13 . کتخدال Textual variation of

Document 15

عزت نشان یساوول باشی آقانی معلوم لاری بولغایکیم تمه لی
 عبد الصمد خواجه ننک دعوکولاری طمعه پهلوان و محمد شریف
 و ایکام برکان دیکان لارنی مونده حضوریده بولغان
 واقعه لاری بیله یازوب پیارسون دیب مهربان بولغان ایرکانشز
 مذکور تورت آدم نی دانوب قالدیم دیب یکتورب ایردی 5
 مذکورلارنی واقعه لارنی سورالماقز اوچون کدخدالارنی
 حضوریده سوراتیب اولتورغانمزده نایمانلی عبد رحمان
 آقسقال دیکان یکلب آیدی اقشام بزلا لارنی ایلات
 مزده هم بر اوپی غه توشیب نمرسه لارنی الغان شول
 لار ایرکان بول لارنی دانوب قالغان ایرکان لار 10

[verso]

دیب آیغان حالی ده مذکورلارنی کدخدا آقسقال لاری
 ی¹⁴ بول لارنی باشقه سوزلاری هم کوب تورور دیب
 ایلات غه باروب همه نی جمعلاب یخشی احتیاط
 ایتب بارلاشیب یکتورورمیز دیب آلیب
 کتیب ایردی لار شول لارنی ایچنده نفس دیکان 15
 باروب عرض آتیب یورکان یالغان سوزلاب
 مذکور نفس دیکان ننک کفیل بولغان آدم لاری هم
 مونده اویده ایردی مذکورلارنی واقعه سی
 شول ایردی صاحب اختیار اوزلاری دیب
 ماه جمادی الثانی ده بو خط بیتلیدی 20
 ۱۳۳۴ لانیچی یلده

مهر: محمد یوسف بای ابن پهلوان محرم

14 sic.

Document 16

وزارات پناه حکومت دستکاه یساولباشی آقامیزنینک خدمتلا ریغه معروض اولکم
اوشبو ماه

ماه¹⁵ ربیع الاولده نیاز بیکه دیکان کنفریکلیب معلوم قیلدی قیزیم سعادت بیکه نی ایری
یخشمات دیکان اوروب مجرو¹⁶ ایتب قاجیب کدی دیب شول توغریده شریعت
شعار

کورلان قاضی ایشان لاریدین بیر امین آلیب ایل کدخدالاری نی یغنا ب آلاهم
امین بیلده مذکور ناچارنی کوروب کدخدالاری بیلده یکیب صورت¹⁷ واقعه نی معلوم
قیلیب ایردی لار ایمدی لیکدا مذکور یخشمات دیکان نکاحلی خاتونوم آتاسینی
اویغه

کتیب ایردی اکاسی منکا قوشوب یارمایدور دیب عرض ایتکان سببلی شول عرضی
راست بولسه خاتونین ایریغه قوشسون باشقه سوزی بولسه شریعت بیلده یتکارسون
بولماسه

موندنا قوشوب یارسون دیکان بو یروق عالی لاریغه موافیق¹⁸ آلارنی موندنا یرا
شئورولماچقی بولغاندا مذکور یخشمات نی تلیدان یانیغه آلیب بارغان قوشکوفریکی
مجد صفا دیکانلار مذکور ناچارنی خیواغه قوشوب یارماک نی طلب ایتکان لاری
سببلی آقسقالی خالمرات غه قوشوب جنابنکیزغه یاریلدی اوشبو بیان بولغان لارنی
معلوم ایتسانکز ایرکان دیکان نیاز بیکه کنفرنی التماسیغه کورا تیاق یکان ناچارنی
کورکان امین لارنی بیان ایتکان لارینی از برای جنابنکیزغه معلوم قیلیب
ماه ربیع الاولده عریضه اخلاص مرقوم بولدی ۱۳۳۵ نچی یلی

مهر: [※]

15 Repeated word.

16 Textual variation of مجروح.

17 Textual variation of صورت.

18 Textual variation of موافق.

Document 17

وزارت فناه¹⁹ نجات دستکا محمد محرم یسولباشی اقا نینک
 معلوملاری بولغایکم چاتکوفرو کلی محمد یعقوب دیکان درکاهی
 عالی لاریغه باریب مینک سو یولومدین سو برمای باباجان و صابر
 و دوندی بیکه و کریم برکان و قلندر دیکان و سعادت بیکه دیکان
 5 لار آقام بیله ایکمیزی اوردیلا ر دیب عرضه ایتیب
 عبد الستار سیس نینک نوکری محمد شریف نی یساو
 ایتیب آلیب یلکان ایرکان یمدی مذکور لار نی اهل
 ایلات بولوب یزنینک حضوریمیزده یراشدیلا ر اوشبونی
 خدمتلا ریغه معلوم ایتامیز دیب
 10 ۲۷ نی ماه رجبده خط بیتلدی
 ۱۳۳۵
 مهر: الله برکان بای ابن عوض نیاز محرم

19 Textual variation of پناه.

Document 18

وزارت فناه²⁰ یساوالباشی آغامیزینک خدمت لاریغه معلوم لاری
 بولسونکم مناقلی باباجان و عبدکریم لار قوشیکی یاف نینک آیاقچی
 آبخوری دورمیز یوقاری سیده الله بیرکان میرشب و نواذا میراب
 باشلغی دایکیرمه سواکی یلدین بری ایاقدین توشوب قازوشمایدور
 5 قدیم دین تعامل آیاقدین توشوب همه آبخوری سقه سیغه چه
 قازوشماق ایردی دیب مذکورلارنی سوراشب قدیمدین
 تعامل برلان تینکلاشتوروب قازدوروب برسون واکر باشقه
 دعوالاری بولسه شریعت برلان تنکلاشتورسونلار دیکان بویروق
 لاریغه موافق مذکورلارنی شریعت لاشتوروب ایردوک
 10 شریعت شعار مناق قاضی ایشانلاری ارضه کویغه کواه بویروب
 تورورلار ارضه کوی کواه اوتکارماچی بولغانده خیواغه
 بارورمن دیب الله برکان میرشب لار جواب آیتیب
 تورورلار اوشبونی معلوم قیلورمیز دیب
 ۲۲ نچی ماه جمادی الاولده ساغ سلامت لیک لارین تیلاب خط بتلدی ۱۳۳۵
 مهر: محمد یعقوب بای ابن جبار قلی محرم ۱۳۳۴

20 sic.

Document 19

وزیر اعظم دستور المکرم آغنی یساول باشی آقه میزنینک
 جناب عالی لاریغه معروض بوکه اسکندر محرم برلان یاریلکان
 نشانه عالی لاری مضمونی برله باریب کوردوک محمد نیاز بن
 بیکمردنینک و عبد الکریم اوغلی جمعه نیازنینک یری نینک کونباتر
 5 طرفیده مذکور محمد نیازنینک ارابه²¹ یولوسی بار و چقر سو یولوسی
 یوق ایرکان و ینه مسجد قومی نینک قریه آدملا رینی چاقورتوب
 تحقیق لاب سورادوق آلا رهم آیدیلار محمد نیاز مذکورنینک
 ارابه²² یولوسی بار تورور چقر سو یولوسی یوق تورور دیب
 مذکور یول نینک ایکی طرفیده هم عبد الکریم مذکور نینک قائمه بولوب
 10 تورغان یغاچلاری بار تورور اوتکوچی لارنینک یغاچ مذکورغه
 ضرری یوق تورور دیب حجت نامه مرقوم بولدی ۱۳۲۸
 مهر: قاضی و رئیس یارمیش داملا محمد یوسف [※]
 قاضی و رئیس یارمیش داملا عبد الغفور [※]
 قاضی و رئیس یارمیش داملا بابا جان مخدوم [※]

21 عرايه Textual variation of

22 sic.

Document 20

وزارت پناه حکومت دستکاه یساول باشی آقانتک
 خدمت لاری غه معروض اولکیم قراداشلی قربان دوردی دیکان
 دربار عالی لاری غه عرض ایتب نیشانه یکتوردی قیریم
 بایرام سلطان نینک کیوی مرت نینک شریعت
 5 ایشی کارامانغان سبیلی مذکور قیریم نی ایرماچی بولغانیم دا
 مذکور قیریم نی آرتوق نیاز و اوراض نیاز و ملاه جمعه
 و عاشیر و خواجیپردی لار اوروب ساچی نی یولوب اعضالارین
 جراحت دار ایتب منکا خوارلیق بیردی لار دیب

[verso]

10 شولوجهیدین مذکورلارنی دعواسینی شریعت بیرله سوراشیلدی
 اخیری یتوشماکان دین کین شریعت غه قوشوب یارکانغیزده
 کیو طرفی شریعت غه بارغانده درگاه عالی غه بارورمن
 دیکان سبیلی مذکورلارنی خدمتلا ریغه قمتوقوشوب
 یباریلدی دیب ۱۹نجی ماه ذی الحیجه دا اوشبو عریضه
 مرقوم بولدی ۱۳۳۴نجی یلده
 مهر: محمد کریم یوزباشی ابن اسماعیل

Document 21

وزارت پناه حکومت دستکاه یساویل²³ باشی آقامیزغه
 معلوم و هویدا بولغایم محمد کریم یوزباشینی آدمی صالح
 دیکان دربار عالیلاریغه عرض قیلب ملا غایب قاضیدا
 آلتی یوز منات بر یاریم باتمن بورونج حقیم بار و ینه ملا بکجاندا
 سکر بوت اون بش قدق شکریم بار و ینه اوستا قربانیا
 ده سکسان منات بر چفانیم بار و ینه عبادالله دیکاندا تورت
 یوز منات بر عربہ م²⁴ بار دیب فتک آلیب یکلب اوشبو فتک مضمو
 نیدین آگاه بولیب مذکور آدملا رنی چاقرب سوراغانمیزده
 مذکور اوستا قربانیا اقرار بولیب بردی و ینه عبادالله
 دیکان هم منده ایکی یوز قرق منات حتی بار باشقه حتی
 یوقدیب اقرار بولدی اوشبو آکی یوز قرق منات نی آلیب
 ربیب باشقه دعوی سین ایل کدخدا آقسقاللاری قویدو
 ردیلار ملا بکجان دیکان اقرار بولماغان سببلی
 شریعت غه قوشدوق شریعت بیله صالح دیکان کواهنه
 توشیب ملا بکجان آنت غه یکلب دور آندین سونک
 قاضی ایشان آیتب تورورلار من سیزلارنی مرافعه²⁵
 نکرنی سوراماین تورکیت دپدور مذکور ملا بکجان
 بیله صالح یکلب قاضی ایشان بزلا رغه شونداغ دیدیلار
 دیکان سببلی قاضی ایشان نی چاقرب نه اوچون مونداغ
 دیرسز دیکاندا جوابیدا آیتب دور اوشبو صالح دیکان نی
 منینک بیلان هم دعوی سی بار من خیوه²⁶ بارورمن ملا بکجان هم
 بارسون دیر بز هرچند تولا قیلدوق فقرا اوزی خیوه نی

23 Textual variation of یساویل.

24 Textual variation of عرابه with the first-person singular possessive suffix م.

25 Textual variation of مرافعة.

26 Suffix غه is clearly missed here.

طلب قیلهاسه ایکی یوز منات باریب یککونچه خرج بولور وینه
 شریعت فرمایشی بیله صاف بولسون دیکان مهربانچلق
 لاری هم بار دیسک اوشبو صالح غه اوزینک آیتب منی 25
 اوستمکا فتک آلیب یکلب دور دیب توریب کیتی

[verso]

اوشبو واقعه سبیلی مذکور ملا بکجان بیله قاضی ایشان نی
 خدمت با شرافت لاریغه قوشدوق دیب
 یکرمه یتی لانیچی ماه رمضاندا صورت واقعه مرقوم
 بولدی ۱۳۳۶ 30

مهر: خواجه نیاز بای ابن عبدالله محرم ۱۳۳۵

Document 22

وزرات پناه²⁷ حکومت دستک²⁸ یساولباشی آقائینک معلوم لاری بولغایکیم قره تالیلی
 جماعه لاریدین باشلوغ جمعه مراد و آدینه مرادلارننیک
 مجد اورض غه ساتغان بیش طناب یری قل مجد ایشان نینک مسجدیغه واقف²⁹
 ایتکان یکره طناب موقوفه غه داخل مو و یا
 موقوفه دین تشقاری موشولارنی مذکور یرلارنی اوستیغه باریب قاریه لارینی جمع
 ایتب سوراشیب بیان واقعه لارینی
 مونده معلوم ایتسونلار دیکان بویروق لاریغه موافق³⁰ مذکور یرنینک اوستیغه
 باریب تابعی مذکورنی قاریه لارینی جمع ایتب
 واقف³¹ ایتکان یکره طناب یرلاری نینک جمه کیرلار بیله کورکانمیزده حدودی
 آربعه لاری واقف نامه³² غه موافق یکلدی
 لیکن واقف³³ مذکورنینک ایچیندین بر اولوغ تازه یارغان دیکان یاف اوتار ایرکان اول
 یاف نی ذکر ی واقف نامه³⁴ ده
 بیان ایتولمایدور ۲نچی بیش طناب یرنی ملکیم دیب ساتغان آدم لاردین باشقه قاریه
 بولغان خدای برکان دارغه ولد
 صفر نیاز و مجد پناه دارغه ولد احمد و سید نیاز ولد صفر نیاز دیگر و جمعه نیاز ولد
 ظایمراد و الله برکان دارغه ولد قوتلوقمراد
 و خالمراد ولد سیتک و پهلوان نیاز ولد اتانیا و خالمراد ولد قوشمان و خدای برکان
 دیگر ولد خال مجد و خالمراد ولد مجد علی
 دیکانلاردین مذکور بیش طناب یر مسجد مذکورنینک موقوفه سیغه داخل مو و یا
 تاشقاری مو دیب سوراغایمیزده مذکور بیش طناب یر

5

10

27 پناه. Textual variation of

28 دستکاه. Textual variation of

29 وقف. Textual variation of

30 موافق. Textual variation of

31 sic.

32 وقف نامه. Textual variation of

33 sic.

34 sic.

ساتغان آدملارنى حقى و ملكى دور واقف³⁵ غه داخل ايرماسدور ديكانلارى
 توغرىنده آلارنىنك اوز حقى ملكى ايركان ليكى غه
 قول لاريده جت خطى ياكه پادشاهلىق دين آغان يارلىق عالى لارى بارموديكانينز
 ده تابه مذكورينك بر يكي مرتبه سوآليب
 خراب بولغان سببلى قره تال جماعه لاريني ملكى داغى آينك ديك جت جط لارى
 شول آندا يوق بولوب كيتكاندور مذكور واقف³⁶
 يرلاريده هم واقف نامه³⁷ دين باشقه جت خطى يوقدور اولدين متصرف بولوب
 اولتورغان ملك لارى دور وكر ساتيلغان
 15 بيش طناب ير واقف³⁸ بولغان يرينك ايچينده داخل بولوب واقف³⁹ ايركان ليكى
 نينك آيتاساق بودنيا و اخرتده ضمانى
 بزلارينك ذمه لاريميزغه بولسون ديب و جمع كيملارنى حضوريده اخبار و شهادت
 بركانلارى سببلى صورت واقعه نى
 جناب لاريغه معلوم قلدوق ايمدى صاحب اختيار اوزلارى ييلورلار ديب ۱۳۳۵
 نچى يلى ۱۶ نچى ماه ربع الثانى آيده خط بتلدى
 مهر: عبد الرحيم باى [※]
 قاضى و رئيس [※] محمد قربان [※]
 قاضى كورلان داملا بابا جان [※]
 قاضى كورلان داملا محمد يعقوب [※]
 قاضى كورلان محمد كريم خواخه [※]
 قاضى كورلان داملا اوراض محمد [※]

35 sic.
 36 sic.
 37 sic.
 38 sic.
 39 sic.

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وزارت فناه⁴⁰ حکومت دستگاه یساوول باشی اقامیزنی خدمتلا ریغه معلوم بولغایم
 شاه اباد
 موضعی داغی ملا یوسف اقسقال نینک قومیداغی حق محمد ییله شریف دیکانلار
 اوروشوب مذکور
 شریف اولکان سبب لی الارنینک دعوالارینی سوراشیب شول طرفده شریعت
 فرمایشی ییله
 سافلاشتوروب آخرین مونده ییلدورسون دیکان بویروغلاری نینک توغروسیده
 مذکور اولکان
 شریف نینک ورثه لارینی چاقریب سورالیدی مذکور شریف نی اوغلی جمعه نیاز و
 خاتونی مسماة قربان بیکه
 و برادرلاری رجب بای و ملا ایشبای دیکانلاردین مذکور ورثه لاری آیدیلار
 شریف مذکور وقت
 موتیدین اوچ کون اول اوروشوب ایردی اندین هم اول کسل ایردی بزلارنینک حق
 محمد
 دیکانغه دعوامیزنی اوتدوک دیب اقرار قلیب کیتیدیلار اندین سونکره مذکور شریف
 نی
 اوغلی جمعه نیاز دیکان نی اوز طرفیدین اصل ایتب اناسی قربان بیکه مذکوره نی
 طرفیدین وکیل بولوب
 کواهلاری مذکور یوسف اقسقال و رجب بای لارنینک شهادتی ییله الارنی موت
 اوتکانین شاه اباد
 قاضی ایشانلارین خط لاشتوروب مذکورلارنینک دعوالارین اوتوب خط لاشغاین
 خدمتلا ریغه
 ۱۳۳۶ نجی ییله ماه شعبان نینک یکره یی سیده صوره واقعه نی یتیب ییاریلدی
 مهر: محمد صفا آتالیق ابن عبدالله آتالیق

40 sic.

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وزارت پناه یساولباشی آقانیگ معلوم لاری بولسونکیم هزاراسب لی ملا دوست
 وتاجی بای دیکان نوکرلار باریب
 حاکم بزلاردین یراغ فولی سوراب و هم بی یمش خدمت بویوروب یموت لارنی
 خراجاتی اوچون اون مناط
 فول لاریمیزدین کوفراق آلدی دیب عرض ایتکان سبیلی عرضکوی لارغه دخل
 ایتاسون موندین مقدم⁴¹ سنکا
 اوج تورت مرتبه فتک یاریلدی عمل ایتای سن ایمدی موندین سونکره بو طریقه
 ایتسانک سنی حاکم لیکدین
 5 چقاریلادور دیب ۱۲نچی جمادی الثانی دا یازغان بویروق لاری برابریدا عرضیز بوم
 یراغ توغریسیده
 یککان بویروق لارنی بای لار و آقسقال لارنی یغناپ اعلام ایکانیزدا آلا
 سوزغه⁴² سالیب یراغ
 خدمتلارینی اورون غه یکتورماک فی اتفاق ایکان لارینی محمد رحیم بای یله جناب
 همایون لاریغه
 معلوم ایتوب ایردوک اینیک بعدیندا ینه قدارتلی آدام لاردین ایتاقغه بویرق بولیب
 آنی هم بای آقسقال
 آقسقال⁴³ لارغه اعلام ایتکانیمیزدین سونک هر مسجد قومی نینک آقسقالی قدارتلی
 دیکان آدام لارینی آد به آد دقتر
 ایتب ۲۲نچی جمادی الثانی دا تافشوردی لار بیزداغی شول دقترلارینی جناب لاریغه
 10 یباریب شول دقترداغی فولنی
 اوندوروب آلسون دیب بویروق بولغاندین سونک یراغ فولی فی اوندوبوب برینک
 دیب آقسقال لارغه

41 Textual variation of مقدم.

42 In text: سوغه.

43 Repeated word.

بووردوق شول آنغه چه نوكلاردین و غریب فقرادین یراغ فولی سورالغانی یوق
 عرضکوی لارنی آغان
 فتک لاریدین هم خبریمیز یوقدور آلارنی فتک آغان لیغی نی محمد امین دیوان بابادین
 ایشوتوب عرضکوی لارنی
 آلدوروب سوراشوب فتک نی کوروب سیزلاردین کیم یراغ فولی سورادی
 دیکانمیزدا بیزلاردین آقسقال لار
 سورادی دیکان سبیلی آقسقال لارنی آلدوروب سورالغانیدا آلارنی سورالغانی هم
 15 بیکار بولدی فتک نی نچون
 آغان واقئیده کیل توروب بیرمای سیزلار دیکانمیزدا یراغ فولی سورالسه بیرماچی
 ایرکان لار^۲ نچی

[verso]

یموت لارنی خراجاتی اوچون نچه مناط دین بیرکان بولسه لار ایسماعل خواجه حاکم
 وقتیده آغان
 دور بیز کیل کانیمیزدین بیان یموت خراجاتی دیب نوکلارغه و غریب فقراغه تازه دین
 چقون سالغانی یوق
 ایسماعیل خواجه نی حاکم واقئیده نوکلارنی بیرکان فول لارینی یوزباشی لار بیزغه معلوم
 ایتکان لاری دا
 20 محمد رحیم بای بیله بامرقاچی⁴⁴ یوزباشی لارغه اوچ توروت کون خبر ایتونک یموت
 لارغه بای لارنی ایکان
 خراجاتی بیله ایلدین یغناپ آغان فول لارینی حیسابی کورولسون اکرده آرتغان فولی
 بولسه نوکلارغه
 بیرلسون و اگر آرتماسه خدمتلا ریغه سیزلارنی عرضینکیزنی معلوم ایتوب نی
 مهربانچیلیق لاری بولسه سز لارغه
 ینه معلوم ایتارمیز دیب ایردوک آندین باشقه سوزلاری دین خبریمیز یوقدور
 عرضکوی لارنی حاکم

44 Obviously a distorted rendering of بارماچی.

بيزلاردين يراغ فولی سوراب بی یمش خدمت بویوبوب يموت خراجاتی اوچون فول
 آلدی دیب یالغان دین
 25 دلیل کورکازیب ایتکان عرضلارینی یوزباشی لاریدین و هم فتک نی کیل توروب
 بیرمای اوزیمیز
 سوراتوب آغانیمیزنی محمد امین دیوان بابادین سوراشوب کورسانکز البته عرض کویلارنی
 سوزی نینک راست یلغان لیغی معلوم بولسه کیراک آلارنی عرض بیلله یالغاندین
 دلیل کورکازیب
 عرض ایتب یورکان لیکی نی از برای جناب همایون لاریغه معلوم قیلدوق ینه
 صاحب اختیار
 اوزلاری یخشی بیلورلار دیب ماه جمادی الثاني نینک اخیریدا عریضه احلاص
 مرقوم
 30 بولدی ۱۳۳۶ نچی یلی
 مهر: عبد الرحیم بای ابن محمد کریم بای

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وزارت پناه⁴⁵ محمد يوسف ياسول باشى آقا ميزنينك خدمت لاريغه معروز⁴⁶ بوكيم
يادكار

خواجه نى مسجد قوميدىن عبدالله خواجه ديكان كيليب مونده معلوم قيلدى اويومكا
خوفتان

وقتى مسجدميزنينك امامى ملا خالباي بيلان اولتوريپ ايرديك قافوم نى قاقتى لار
تاشقارى چيقسام ملا قربان نياز ديكان منى طبانچه بيلان آندى منكا تيكادى من
قاچديم

5 انام اولوغ جان بيكه كيليب ايردى ايكنجى مرتبه آندى اوق انام نى كوكرايدين كريب
آرقاسيدىن چيقدى ملا قربان باي هم قاچيب كتيب چوكورمه سى اوشبو جايدة
قالدى

اوق بيله چوكورمه نى يكتوروب كورساتكانى سببلى قاضى ايشان طرفيدىن ملا
باباجان

ملا باباجان اوغلى بيله بزى طرفيزدين آتاجان مخدوم ديكان امين بولوب بارىپ
كورىپ كيليب

معلوم قيلدىلار مذكور ناچارنى اتقانى راست ايركان كوكرايدين كريب آرقاسيدىن
10 چقيق دور ديب معلوم قيلدىلار سونكره مذكور ملا قربان باي خدمت لاريغه
باروب

و ۲نجى ذالحجه⁴⁷ ده نشانه آليب يكلدى مضمونى نى كورساك من هر كم نى مال لارى
اوغور

لانسه ايكي ياش باله نى سوغه قاراتيب اوغرى نى تاپ برور ايرديم موسى جواجه
ديكان نى مالى نى اوغرى آغان سببلى اوغرى لارى خالى و محمد ضيا ديكانلار منى
عبدالله

45 Textual variation of پناه.

46 Textual variation of معروض.

47 Textual variation of ذوالحجه.

دیکان نی اویغه چاقورتوروب اولتورماچی بولوب منکا ایکی مرتبه آلتی آتار آدیلا ر
اوقی

15 تیکمادی من قاجدوم دیب ایمدی شونی سوراشیب کوروب شریعت غه موافق
بتکارسونلار مودیب

[verso]

و ینه مذکور ملا قربان بای دین چوکره کم نیکی دیب سورالغانده جواب بردی
چوکره منکی ایرماس دیب
خاللی و مهد ضیا دیکانلارنی آلدوریب سورانمیزدا⁴⁸ بزلا ر بر یل دین بویانه عبدالله
نینک

اویغه بارغانمیز یوق ملا قربان بای نی هم آغانمیز یوق و موسی خواجه نی مال لارینی
هم اوغری
لاب آغانمیز یوق دیب ایردی سونکره خدمت لاریدین خدای نظر یوزباشی برلان
یارکان

20 نشانه لاری نی برابرینده هم چاقورتوروب سورانمیزده عبدالله خواجه نینک
اقسقال کدخدالاری

موندنا معلوم ایتادور بزلا ر مذکورلارنی حادثه سی وقتینده اشیتب باردوق ناچارغه
اوق تیککانی راست ایرکان کیم اوق آغانی نی بزلا ر بیلیمیز دیرلار ینه ملا قربان بای
دیکان

نینک اقسقال کدخدالاری آیتادور بزلا ر مذکور ملا قربان بای نی بهوده یورکانی نی
کورکانمیز

یوق دیب شایدلیق⁴⁹ برورلار بزلا ر نینک ایشیتکان صورت واقعه لاریمیز اوشبو
25 تورور و ینه صاحب رای اوزلاری بیلورلار دیب^۷ لانیجی ماه محرم دا خط بتلدی
۱۳۳۶ یلدا

مهر: [※]

48 Textual variation of سورانمیزدا.

49 Textual variation of شاهدلیک.

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عزتلو حرمتلو شیخ نظر یساول باشی آقامیز خدمت لاریغه معروض اولکیم هزاراسب
 لی
 قلندر درگاه عالی لاریغه عریضه ایتب تخمیناً اوچ طناب یریم نی اوزوم نی یوق و قتم
 دا جمعه نیاز
 و بکجان و نار محمد دیکانلار طناب دقتری غه یازدوروب دور دیب مذکورغه نشانه
 مهربان بولوب ایرکانلار
 بویروقلاری یککلاچ طناب دقتری نی کورولدی یر جمعه نیازلار اسمی غه ایرکان
 قلندر مذکور من یوق ایردیم
 دیدی آندین سونکره هزاراسب قاضی لاریغه خط بردوم ایلات نی تمامی آدم لاری
 5 نی طناب دا حاضرکیشی
 لاردین سوراب خط ایتب پیارسون لار دیب قاضی ایشان لار بار آدم لاردین
 سوراب خط ایتب
 پیاریب دورلار قلندر مذکور بار ایرکان خطلی ملکی نکینی توتادورمو سن دیکاندا
 توقماس میز دیب
 تاشلاغان سبیلی جمعه نیازلار توتدی دیب شهادت برکان لارنی واقعه لاری نی
 یازیب پیاریب دورلار
 ایمدی قلندر یوق ایردوم دیر ایلات بار بولوب تاشلادی دیر یازغان دیوان هم بار
 ایردی دیب شهادت
 برادور شول طریقه بولوب طناب دقتریغه یازیلیب ایرکان فلاند جمعه نیازلار اسمی
 10 غه بولوب کیتکان
 ایمدی قلندرنی خطی بیله یرنی آنکا یانکغی دین برماکی فرمایش قیلسه لار جمعه
 نیازلاردین خط آلیب
 برماک کراک بولادور اگر تاشلاب فلاندغه اورناغاندین سونکرا یانکغی دین بریلهاسون
 دیب

مهربان بولسه لار اولصورتدا قلندر دعوی نی قویماقی کراک هزاراسب تابعی دا فرتابته
 یرلاری نی
 اول طناب بولوجاق دا تاشلاب سونکزه پشیان بولوب دعوی ایتب یورکان خلق
 کوب تورور

[verso]

تخمیناً اوچ تور ت مینک نمرغه بارسه کراک هزاراسب قاضی ایشان لاری نی یازغان ¹⁵
 خطی نی
 دعوی کرنی ایکی طرفی نی قوشوب خدمت لاریغه ییاریلدی نه مهربان بولسه لار
 آنینک بیله بویورمیز
 دیب صورت واقعه خدمت لاریغه عریضه قیلندی
 ۱۹نجی جمادی الثانی آبی دا ۱۳۳۲نجی یلدا
 مهر: حاجی محمد بای ابن امین الدین بای ۱۳۳۰

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عزت و سعادت نشان یساول باشی آقائینک معلوم لاری
 بولغایم چودر کلدی مجد اوزیم اویم دا یوق ایردیم آقشام
 ایچیدا قوشان و عته مجد دیکان لار اوغورلاب اوچ یوز
 مناتیم نی آلدیلار دیب غایب یوزباشی نی نوکری عید بای
 یساول بولوب کیلیب ایمدی مذکور کلدی مجدنی سوزی نینک 5
 دعوی کرلاری قوشان و عته مجد لار برلان کدخدالاری ایکی طرف نی
 رضالیق غه یتکوردیلار و ایمدی فقرالارنی هلاک بولماسلیقی
 وجهی دین یساول نی قولیغه خط یازیب بیریلدی اوشونینک
 خدمت لاریغه معلوم قیلامیز دیب بو خط
 بتیلدی ۱۳۳۵ لانیجی یلدا 10
 مهر: جمعه نیاز محرم ابن محمود دیوان

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وزارت پناه حکومت دستکاه یساول باشی اقالایم زنی
 خدمتلا ریغه معلوم لاری بولغای لارکم نایمان لی الله یار مخدوم
 دیکان اوچ طلا منی سوراغانده خالمراد وفاه و صفر دیکان لار
 یکرمه ایکی طلا منی الدیلار دیب عریضه اتکان توغرو سنده
 خدمت کار قلندر نی یساول ایتب مهربان بولغان ایرکانلار 5
 مونده خدر یلی قلعه سیکه کلکانلارینده ایکی طرافلاری قزنداش
 بولغان وجهیدن خطی پاک الوشوب رضالیق تاپلار فقرالاری
 عاجزلیق سببلی دعاء خیرلارین قلیب قالدیلار دیب
 اون سکرلانی محرم ایده عریضه خطی بتلدی ۱۳۳۵

مهر: [※]

[※]

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وزارت پناه حکومت دستکا⁵⁰ آمان یکدی
 یساولباشی آقامیز خدمتلاریغه معروض اولغا
 یلارکیم هلالی لی مسجد دورمن دین یموتلار
 زورلاب اوتکان یل بیر نیچه فقرالارنی یر
 5 لاری نی و ایکین لاری نی بوزب یاف باریب اوتکان
 سبب لی باباجان سید دیکا عرض ایتهب نشانه
 آلیب یکلکانی غه موافق مذکور یاف باریب
 اوتکان یموتلار ییله مذکور عرض کوی لار ییله
 سوزلاشتورب مذکور یر ایکالاری نی بوزو
 10 لغان ایکین لاری نی امین ییاریب واقسقال
 کدخدالاری ییله کورکازب مذکورلارنیک
 زرارلاری⁵¹ اوچون بر یوز ایلیک آلیب بریب یر یرلاری
 ییله رضالیق غه یتدیلا و داغی مذکور یاف
 یارغانلاردین ایلیک طلا امین فولی

[verso]

15 و یساوول حقّی آندی شوندین خدمتلاریغه یکرمه بش طلا
 بریب یباردم دیب^۹ نیجی
 ماه شعباندا اوشبو مکتوب مرقوم بولدی
 ۱۳۳۴ نیجی یلی
 مهر: محمد یوسف بای ابن محمد یعقوب دیوان

50 Textual variation of دستگاه.

51 Textual variation of ضرر.

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وزارت پناه حکومت دستکاه یساول باشی آقاغه کاتلی محمد یعقوب دیکان حاکم مندین
اون کم اوچیوز مناة آلدی الله برکان دیکان اون بیش مناة آلدی دیب عرض
ایتیب برکان نشانه لاری نینک توغریسیده عرض اخلاصیز بوکیم مذکور محمد یعقوب
ایکی اینیسی بیله آتامراد دیکانی ایکی ناچاری بیله اوزینی اوروب کله لارینی یاریب
تمامی اعضالارینی بی وجه مجروح ایتکان بز شول توغریده یوز مناة آلیب مذکور 5
مجروح لارغه ملحم فلی سی اوچون بردوک اندن سونک دعواسینی صافلاشتوروب
ایردوک یبارکان امین لاری بیله کات دارالقضاسیغه قاضی ایشانلارنینک خضور
لاریغه باریب مذکورننک کدخدا آقسقال لاری نینک جملاب بزکا سن قاجان
اونکم

اوچیوز مناة بردینک دیب سورالدى اول جوابیده دیدیکم من سیزکا اوز قولوم
برله اونکم اوچیوز مناة برکانیم یوق اما من مذکور اونکم اوچیوز مناة فی محمد یوسف 10
بایغه

بریب ایردیم اندین التیش اوچ مناة فی محمد یوسف مذکور منکا قایتیب بریب
ایردی دیب قاضی ایشانلارنینک حضوریده اقرار بولدی آندن سونک باقی مناة قایده
دیب محمد یوسف مذکور دین سورالغانده دیدیکم یکرمه بتی مناة فی یساولی وکدخدا
لاری آلدیلار و یوز مناة فی قره ول بولوب یاتغان سردار دیکان یموت آلدی دیدی
اما بزنینک بولارنینک آغان لاریدین خبریمز یوق اما الله برکان مذکورننک 15

آغان اون بیش مناتینی سببی موت تورت لبقده مذکور محمد یعقوب بر آدم فی
اوروب کله سینی یاریب ایردی شول توغریده یساول حتی اوچون برکان ایرکان
آلان شول آدم هم یاتیب تورور اما محمد یعقوب مذکور بزکا کوب حقارت نما و
ناشایسته سوزلارنی آیدی ایمدی صاحب اختیار اوزلاری تورور دیب
۲۸ نجی ماه رمضنده اوشبو عریضه نامه فی مکتوب ایتیب خدمتلاریغه ارسال 20
ایتیلدی

۱۳۳۶

مهر: آتا بیک ابن رحیم بردی بیک ۱۳۳۵

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هو

وزرات پناه يسا ولباشي آقاميز نينك خدمتلا ريغه معروض اولكيم
 هلالی فقرالاريدن عوضياز و خدا ييركان ديكان ير جای لارين
 صايتب قرض لاريغه بيرماچي بولوب نشانه عالي آليب كليب
 5 شولارني آغودارلاري سوزلا شيب عوض نيازني يري ني
 بر يوز يكرمه بيشطلاغه بر آدم الماچي بولوب تقسيم بولغان دا هر بيشطلاغه
 اون ايكي تنكه دين يتوشورديرلار خدا ييركان ديكان ني يري ني
 ايكي يوز طلا الماچي بولوب شوني آغودارلاري هم تقسيم ايتماچي
 بولوب طلاغه اوچ تنكه دين زياد يتوشور اوخشايدور شولارني
 10 جواب آليب بو يروق ايتسه لار فرمايش لاري بله بو يورميز و ينه
 عرض يتوشماكان فول لاريغه خط الماچي دورلار آني هم بيلدورسه لار
 خط الغان دا بي اجاره بولور ديب اويلارميز ملكي بولماغان سبب لي

[verso]

يا الغودارلاري هر نه باري بولسه يتوشكانيغه لايق آليب
 قالغان حق لاري اوچون خط الماسون ديرلارمو شولارني بيان
 15 واقعه لارين خط بله مهربان بولسه لار الحمد الله رب العالمين الآن
 بو ظرف لاري نينك دولت لاري شرافتيدين فراغت ليک دور
 دعاء خيرلاريغه مشغولدور ديب ربع الثاني دا ۱۰نجي ايدا
 عريضه الاخلاص رقم تافدي ۱۳۳۲نجي يلي

مهر: [※]

آغودارلار رضا بولسه شريعت فرماني بله
 ير و جای مال لارين سايتب اول اورويسه فقراسي بولسه
 بريب قالغانين بو طرف فقرا آغوداريغه بريب
 قالغانيقه برسون خط ايتب بريب رضاسي غه
 5 تنكه بريب اخري خط بله موندا معلوم قلسون ديب
 ۱۰ لاني ماه ربع الثاني دا ۱۳۳۲

Document 32

معتمد السلطان مقرب الخاقان يساول باشى آقاميز جناب لاريغه معروض
اولکيم خيوالى عباد الله يیک نى روزى باى تاجیک دا خطلى توقسان طلا
حتى بار موافق⁵² شريعت اليب بريلسون يساول بله فتک مهربان
بولوب ایرکان لار مذکور روزى نى دوکان اسباب لارى نى
5 بر يوز التيش اوچ مناط^{۸۹} تين غه ساتيب قرق بيش مناط ليق
بر آدم دين آلى دار خطى نى تمام آلى دارلارى ديوان خانه دين
بولغان بو يروق بله تقسيم اتيب بريلهکچى بولغانده اورالسكى مکسيم بله
استفى محمد جان نوغای لار بزلا ر اوزلا ريميز آلا دورميز لار
باشقه آدم لارغه برماى ميز ديب تنکه نى بزغه تاپشوروب بزلا رنى عرض
لاريميزنى ديوان خانه غه معلوم ائينک ديب^{۱۶} نجى جمادى الثانى
10 آينده يازيب معلوم ايتلب ايردى هيچ بر جواب بولماين

[verso]

توروب ايردى ينه اوروس لارنى تازه دين جواب لارى نى
دوباره يازيب ديوان خانه غه معلوم ايتلدى داغى
روزى باى تاجیک نى حانقا لى يولداش ديکانه کفيل غه بريلدى
15 شنبه کونى خدمت لاريغه اوزيم باريب معلوم بولادور
من ديکاني سبب لى صورت واقعه اوشبو دورکه
خدمت لاريغه تحرير ايتلدى
۱۵ نجى شوال آينده خط بتلدى ۱۳۲۸
مهر: حاجى محمد باى ابن امين الدين باى ۱۳۲۷ (?)

52 Textual variation of موافق.

Document 33

هو

وزارت پناه حکومت دستکاه یساول باشی آقائینک خدمتلا ریغه بو نوع معلوم
قیلورمزکیم

قیلچ بايلي اوراض باي دیکان خدمتلا ریغه عرض قیلغان ایرکان بیر نچه نفر آدم
لاردین خطلی قرضیم بارو اون یکی یاریم طناب یریم بار ساتیب قرضیم نی
ادا ایتمکچی دورمان دیب ایمدی شونی نچاقلی قرضی بار و یری نی بهاسی نه دور و
باشقه

نمرسه سی بارمو اورسیه فقراسی دین قرضی بارمو اموال و اشیاءلاری
و یری قرضیغه یتوشورمو آغودارلاری آماقغه رضامو شولارنی خطی بیله موند
معلوم قیلسون دیب شول سببلی مذکورنی آغودارنی یغنا ب قرضی نی حساب
ایتولدی بیش یوز داغی ایلک بیش طلا قرضی بار ایرکان و اون یکی یاریم طناب
یری

نینک بهاسی ادرا بولغانی اوچون یوز طلاغه آلمایدورلار و برکهنه ارا به⁵³ و یکی
اوچاک

و برایشاک بار ایرکان اورسیه فقرسینیدین قرضی یوق ایرکان مذکورنینک یری و
نرسه قرا

لاری قرضیغه یتوشماکانی وخهی دین بر یرداغی آغودارلاری اتفاق بیله مذکور
اوراض با یغه ایکی یل

مدتینچه لی بی فید⁵⁴ توردی لار مذکورنینک صورت واقعه سی بو طریقه ایردی

[verso]

خدمتلا ریغه معلوم قیلماق اوچون بو عریضه ییاریلدی صاحب اختیار اوزلاری
ییلورلار دیب ماه ربیع الاول نینک ۹نجی کونی مرقوم بولدی

53 sic.

54 Textual variation of فائده.

۱۳۳۵ یلدا

مهر: بابا جان یوزباشی ابن پهلوان

۱۱ نجی ماه ربیع الاولدا اوشبو خط یکب یساولباشی آقا

دوردی کربان ییله بریب یازب دورلار

آلیب قویلدی

Document 34

وزیر اعظم دستور المکرم اعنی یساول باشی اقامیز نینک جناب عالی لاریغه
 معلوم لاری اولغایکم اسکندر یساول بیله یباریلکان نشانه عالی لاری مضمونی
 بیله باریب عبد الکریم فی آیتغان یولنی کوردوک و شول قوم نینک
 قریه آدم لارینی یولنی سوراشماق اوچون چاقدق و قریه آدم لار
 5 کیلیب سنهم قوی سنهم قوی دعوانکی دیب ایکی طرف نینک رضالیتی بیله
 کدخدا

آقسقال لار یراشتوردیلار دیب خدمت لاریغه رقعہ بتلدی دیب واضح بای
 مهر: قاضی و رئیس یارمیش داملا محمد یوسف [※]
 قاضی و رئیس یارمیش داملا بابا جان مخدوم [※]

Document 35

وزارت پناه یساولباشی اقامیز نینک خدمتلا ریغه معلوم
بولغایکم قربان نیاز دیکان نی ارا به⁵⁵ یولی سی غه قوش نیاز
قربان نیاز و روز مجد و بابا و آتا نیاز و جمعه نظر و سید
وصفا و اسکندر دیکان لار شریعت امریغه هم
5 رضا بولمای زورلیق ایتب یورکانلاری اوچون ایکی
طرف لاری نی قمتو سوزلاشتوروب عرضه کوی قربان
نیاز مذکور نی مدعاسیغه موافق اولغی تعاملی
بوپونجه ایل آت نی نایب اقسقال کدخدالاری نی
اتفاق⁵⁶ لاری بیله ارا به⁵⁷ یولی نی آلیب بریب رضا
10 لاشتورلدی اوشبونی خدمتلا ریغه معلوم
قیلورمیز دیب⁸ نچی رمضان شریف دا خط بتلدی ۱۳۳۶
مهر: مجد یوسف بای ابن پهلوان محرم ۱۳۳۴

55 sic.

56 Textual variation of اتفاق.

57 sic.

Document 36

وزارت پناه یساول باشی آقانی معلوم لاری بولغایم بیر مسجد قومینی ادم لاریدن
عبدالرحمان
الله برکان محمد نیاز خواجه و ایش نیاز و قوشه خواجه و محمد یعقوب خواجه دیکان
لاری

دربار عالی لاریغه عرض قیلغان ایرکان یموت طایفه لاری بیش آریق طرفیکا بارغانده
ایتکان خراجاتی درکلی چقون فلی سوراش دورلار دیب مذکور یموت جماعه لاری
مهمان توشکان یریدن سوراشسه لار دیب ایمدی مذکورلارینک حقیده معلوم 5
قیلا دورمیز اورسیه عسکرلاری چقون فلی غزنه⁵⁸ ده فل بولغان سبیلی بیش آریق
تابعی لارنی آقا نایب آقسقال کدخدالاری ایلات دین اندازسی مقداریده
هر برلاریغه سالاشیب ایتکان خرجی لارنی برسونلار دیب دربار عالی لاریدین
نشانه یلکان سبیلی و ینه یموت جماعه لاریدین اوشاق نینک ییکی یله امان نیازنیک
دیکان لار بیش آریق ایچی غه دربار عالی لارنی فتک لاری بویونجه هر یرده 10

[verso]

بولوب توشکانده آقا نایب لاری اتفاق ایلان خراجات ایتکان سبب لی
و ینه بای لار یله فقرالاریدین بیش آثار بویولغان سبیلی جمع خراجات فی
اتفاق ایتب اوز یلی اوزلاری هر بر واحدیغه سالاشیب مذکور
عرضه کوی لاریدین غیرلاری منوت پادشاهی یله چقون فلی بریب دورلار داغی
مذکور عرضه کوی ایل اتفاق لاریغه ایتای سرکش لیک ایتب 15
یورکان سبیلی جمع آقا نایبلار اتفاق ایتب مهرلاریمیزی باسقوق
مذکور عرضه کوی لارغه ینه جزا برماسه لار بزلا رجماعه لارینک تمام منوت چقون
فلی
لاریمیز بتای تاخیر تاپیب و ینه برکان فقرا هم قایتوب آلماچی بولوب تورور دیب ماه
جمادی الاولده

58 Textual variation of خزینه.

اوشبو عریضه اخلاص یتلدی ۱۳۳۶
 مهر: محمد یوسف بای ابن پهلوان محرم
 حسن آقا ابن خدای برکان ۱۳۳۶
 محمد یعقوب بای ابن اسماعیل جان بای
 [※]
 اتا نیاز بای ابن محمد نیاز بای ۱۳۱۷

Document 37

وزارت پناه یساولباشی آقامیزنینک معلوم لاری بولغای کیم
 خواجه لیلی قوشنظرنی بی وجه شرع⁵⁹ قربان نیاز و روز مجد و آتا مراد
 و تینکر بردی و الله بردی و مولام بردی و صابر دیگر قربان نیاز
 قوتلوقراد و خواجه دوردی دیکانلار اوروب اعضالار
 5 بی جراحات لاندروب و بر قولینی معیوب ایتوب
 یانیدن ایکی مینک مناتی فی الدیلار دیکان عرضه سیغه موافق
 عرضه کوی مذکور بیلہ دعواکرلاری فی الدروب ایل آتی فی
 نایب آقسقال کدخدالاری فی اتیفاق⁶⁰ لاری بیلہ جبرلانیم
 ایکی مینک منات تکام الیندی دیکان دعواسی فی خالیص
 10 اوتوب ایکی طرفی فی رضالاشتورولدی دیب⁸ نچی ماه رمضان
 شریف ده خط بتلدی ۱۳۳۴ نچی یلدا
 مهر: مجد یوسف بای ابن پهلوان محرم

59 Textual variation of بی وجه شرعی.

60 sic.

Document 38

وزارت پناه یساولباشی آقامیزنی خدمت لاریغه معلوم بولغایم
 سارت آلاچه لی سید آقسقالنی قومیده محمد رحیم دیکان نی جولی
 سیغه اوغری توشوب تورت باتمن بوغدای تورت
 کیلیک اشتوف تورت ایفاک چفانینی الیب چیقب
 5 کیتکانینی حولی ایکه سی توبونوب ایزیدین قابوب
 خواجه نیاز دیکان نی توتوب یکتوردی یولداش لاری
 قاقچیب دور مذکور خواجه نیاز نی تیاقلاماچی بولوب
 سیاست ایتوب الغان وجه لاری بیله یولداش لاری سورا
 لغانیدا یولداشی توره و منکلی دیکانلار مذکور بولغان
 10 وجه لارنی الار آلیب کتدیلا رکن قولغه توشدوم دیب

[verso]

اقرار بولدی سونکره مذکور ایکی یولداش لاری نی آلدوردق
 الارهم اقرار بولدی مذکورلارنی اوغری لیغی ظاهر بولغانی
 اوچون نایب اقسقال کدخدالار آلینغان وجه لار
 اوچون تورت یوز طلا محمد رحیم مذکورغه الیب بردیلار
 15 و مذکور اوغریلار نی اوشبو جیناتی توغریسیدا
 خدمتلاریغه ییاریلورمو یاکه موندا اویکه سالیب
 قویاییرامیزمو و یاکه کفیل غه بریلورمو اوشبو
 توغریدا نه مهربانلیق لاری بولسه خط بیله معلوم
 قیلسه لار دیب ۲۵نجی

20 ذالقعدة⁶¹ دا جط بتلدى ۱۳۳۴ نچى

مهر: محمد يوسف باى ابن پهلوان محرم ۱۳۳۴

اوغريلارنى حاكم نى اوزى ساقلاپ بولغاندا

چقارماقغه جواب يازيلدى

61 ذى القعدة. Textual variation of

Document 39

وزارت پناه یساولباشی آقامیزنینک خدمت لاریغه معلوم اولغایکم
 سوسه لاقلی عوض محمد آقسقال نی قومیده خواجه مراد دیکان نی
 حولی سیدین بیر آطنی اوغورلانیب مذکور آطی نی ایزینی ایزچی
 بیله بارلاغانیده روز محمد چوچی دیکان نی اوینغه آطنی
 ایزی باریب دور آطنی ایکه سی خواجه مراد بیله ایلاقی نی 5
 اقسقال کدخدالاری اوشبو حادثه نی ییزغه کیلک معلوم
 قیلدی بز آدم پیاریب چوچی نی آلدروب اوغورلانغان
 آطنی ایزی سنینک اوینک غه باریب دور
 راستی نی ایتغن دیب یکرمه اوتوز قاقچی اوروب
 سوراوق روز محمد چوچی ایتدی خوجه مراد نی اطی نی 10

[verso]

عبدالرحیم یوسف خواجه ابدال خواجه الاک تای نو دیکان
 لار بیله خواجه مراد نی دروازه سی نی بر یان طرفی نی تورو می تایدروب
 اطی نی الدوق دیب اقرار بولدی مذکور نی اقرارینغه
 موافق مذکور یولداش لارینی آلدروب الارغه سیاست
 ایتوب سورالدی الارهم روز محمد چوچی نی ایتغاینغه 15
 موافق اقرار بولدی لار شولتوغریدا مذکور بش نفر
 اوغری نی اویکه سالیب اوغریلاردین سورالدی آطنی
 تاپنک لار فایده قویغان بولسانکرلار دیب اوغریلار
 آط یوق بولدی تاپیلماق علاجی یوق دیدیلار سونکره
 خواجه مراد دین سور آلدی آطینک نه بهالیق ایردی دیب 20

[recto]

چوچه مراد ایتدی آطم نی بیر مینک ایکی یوز طلا غه سوراغانیده
 بیرمای یورور ایردوم دیکانی اوچون حسن اقا بابا ایلاقی نی

اقسقال کدخدالاری بش اوغریدین بر مینک اکی یوز طلا
 اطنی فلی اوچون اوچیوز طلا ایزچی فلی و غیر چقغون کدخدا
 25 فلی لاری اوچون آلیب دورلار جمعه بیر مینک بیشیوز
 طلا نی بیز موندا آلیب قویدوق ائیدی شونی خدمتکیزغه
 معلوم قیلورمیز مذکور الیغان تنکه نی موندا اط ایکا
 سیغه تیکیشلی سی نی بریب و قالغانی نی ایزچیغه و کدخدا
 لاری بیله و غیر چقغون لاریغه بریلورمو یا اوغریلارنی
 30 اویده ساقلانیب یاکه کفیل غه برورمیزمو و یاکه همه سی نی

[verso]

انجام بولغان تنکه سی بیله خدمتلاریغه بیاریلورمو او شبو
 توغریده نه مهربانلیق لاری بولسه خط بیله معلوم
 قیلسه لار دیب ۲۵ نچی
 ذالقعه⁶² دا خط بیتلدی ۱۳۳۴ یلی
 مهر: محمد یوسف بای ابن پهلوان محرم ۱۳۳۴

بر مینک ایکی یوز طلا نی آط ایکاسیغه بریلیب اوچ یوز طلا نی آلیغان لارغه
 بیریلماکا
 بو یروق بولوب اوغریلار نی کفیل غه تاپشورولماقعه جواب یازیلدی

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وزارت پناه يساولباشى آقاغه اعلام اولکيم اوشبو يلى ۳نجى جمادى الثانيدا چواندور
 موضع دا بولغان حادثه خدای بيرکان بن اسماعيل نى کيچه نا معلوم
 اولتوروبدورلار ديب خبر بيردى لار اندين سونکړه شريعت شعار قاضى ايشان
 لاردين و اوزميزدين امين يياريب مذکور امين لار
 موضع مذکور نى کدخدا آقسقال لارى ايل آدم لارى ايلان باريب کوروبدورلار
 مذکور نى ياز طرف داغى قفوسى نى سيندوروب و دهليز داغى
 قفوسى نى يقب کيريب مذکورنى اولتوروبدورلار مذکور مقتول نى کوروبدورلار کله
 سى نى اوستى و چب قباقي جراحت دار بولغان
 5 و مقتول نى اوغلى بردى شکور و خاتونى درجان بيکه و جمعه بيکه و قيزى راضيه
 بيکه لاردين سوز سورالدى آلا ر جواب بردى لار اوميزغه
 اون بيش نفر نا معلوم آدم لار کيريب شونداغ ايتى لار ديب مذکور بردى شکورنى
 ايکى چکه سى و منکلايى جراحت دار بولغان مذکور نى
 خاتونى زليحا بيکه نى کله سى جراحت دار بولغان و راضيه بيکه نى ساغ قولى
 جراحت دار بولغان آلاردين سورالدى مذکور آدم لاردين هيچ برين
 تانيمادينکولار موديب آلار تانيمادوق ديب جواب برورلار مذکور بردى شکور غه
 درک ۱۵ باتمان بوغداى و يکرمه طلايى کاغذ مناة برغان
 و راضيه بيکه نى بير اميرکاني رومال و بير تيرما و آلتى قوشه رومال و يتى قوشه عالچه
 رومال اوچ يفکلى يلاک و ايکى کويناک و آناسيغه
 درک ۲ طلايى تنکه ۴۰ طلايى کاغذ منات ايکى کورفه لاريميز نى آليب کتيب دور
 10 لار و ينه مقتول نى اوغلى خدائشکر ايتادور تخميناً ۳۰ باتمان
 بوغدايم نى الغاندورلار ديب صورت واقعه شول تورور سونکړه تورت لانچى ماه
 مذکوردا يعنى سه شنبه آقشامى موضع آتالقداد محمد جان قره
 قربان خرات اوغلى ديکان نى اويىکا خفتن دين اول راق بر بله باريب دور و
 يغلابدور من بيک آبادلى دورمن و يتيم دورمن منى هيچ کيشى

مهمان ایتادی لار دیب شولوقت دا مجد یعقوب مؤذن دیکان آیتب دور بو بله
 آری یاقلی دور زیادا یمان اوغریدور من مونی
 آری یاق دا بازارچی لیق ایتب یورکانیم سبب لی ییلورمن دیب دور سونکره مذکور
 بله نی ایل قراول لارینی یانیغه آلیب باریب دورلار
 15 قراول لار ایل کدخدالاری نی یانیغه باریب باباجان شیخ دیکان نی مهمانخانه سیدا
 اولتورغان لاریدا ایچکری دین بر ناچاره چیق ب خبر
 بریب دور اوی اطراف لارینی آطلیغ آلدی و اوچاککا ایکی آدم چقدی دیب سونکره
 کدخدالار دیشانغه چقسه لار ایکی آطلیغ
 ایلان برنجه فیادا طیار ایرکان مذکور بله نی آلیب کیتاککا هجوم ایتب دورلار سونکره
 آلا ر قورقوب دروازه نی بند ایتب احتیاط
 ایلان اولتوروب چقیب دورلار داغی ایرتنکی ییزنی یانیمیزغه آلیب یکلدی لار مذکور
 بله دین سورالدی آدینک کیم دور
 جواب بیردی آدیم رجب قربان نیاز اوغلی عوض یخشی نی تیره شی دور من تورتلک
 بولوشی نینک ... (؟)

[verso]

20 مدة بر آری مقداری بولدی بو طرفه اوتدیم بو طرف دا قویاق قزاق و بای نظرلار
 ایلان شرشالیغ جمعه نیاز و خواجه نیاز مجد صفا و سید مراد
 و ینه چواندورلی صفا دیکان لار یولداشلاریمیز اوغری لیق ایتارمیز مذکور
 چواندورلی صفا نی ملتوق و فیشنک لی اوقی باردور دیب جواب بردی
 کیشی بیاریب بارلاندی مذکور صفانی بر قره ملتوق بر تفانچه سی ۲۳ دانه بر دانکه
 اوقی بار ایرکان تافیب آلیب یکلدی لار
 صفادین سوز سورالدی اوشبولارنی نه یردین آدینک جواب بردی اوتکان ییلدا
 رسیه عسکرلاری نی ارا به⁶³ لی تاش سقاغه آلیب
 بارغانیدا بر مناته عسکر دین ساتغون آغان ایردیم مذکور ملتوق ایلان تفانچه نی مدة
 ایکی آیلدا ایل آدم لاری ایلان کدخدالارینی

25 سوزی ایلان آری یاق دا آق قمیش منزلیدا قرینداشلاریم حاجی عبدالله و حاجی
و نیاز محمد دیکانلاردین امانت آلیب یکلیم
دیب جواب بردی مذکورلار فی اتاسی فی اسمی فی سورالغاندا بیلهادی اوشبولارنی
هزاراسب کذریدین آلیب اوتدیم هیچ کیشی
بیلهادی دیب جواب بردی مذکورنی سوزی فی ایلات آدم لاری و کدخدالاریدین
سورالدی آلاز آیدیلار بیزلار ملتوق سقلا دیب
آیتغانیز یوق دور مونی یراغی بار ایرکانیدین خبریمیز یوق دور دیب جواب بردی
لار سونکره شرشالی چاقچی چواندور موضع دین
جمعه نیاز و خواجه نیاز و محمد صفا سید مراد و صفا ایسملی آدمملارنی همه لاری فی
جملاب مذکور بله غه کورساتیلدی مذکور چواندورلی صفادین
باشقه هیچ بری فی تانیادی مذکور دین سوز سورالدی منکر بولدی مذکور بله
30 رجب دیکان انکا آیتدی هر آقشام تانکدا منی آق میدانداغی
کول فی یانیغه آلیب بارب تاشلار ایردینک نماز شام دا مذکور کول فی یانیدین آتغه
میندوروب آلیب کیتار ایردینک یوقاریداغی
بیان بولغان مقتول فی اویسکا داغی بیزلار باردوق من آطلارنی توتوب توردیم اشیک
فی یقذب لار مذکور بیان بولینغان یولداشلاریم
اویسکا کیردی لار سونکره غوغا بولدی نه طریقه ایرکانین بیلهای دور من دیدی سونکره
سورالدی نچند آدم بولور سیزلار دیکاندا
یکرمه چاقلی بولورمیز دیب جواب بردی مذکور محمد جان قره فی داغی آتی فی
اوغیرلاماچقی بولوب مذکور قویباق قزاق اوچ منات بیریب
منی ییاردی مذکور صفا اویینی کورساتدی دیب جواب بردی و ینه معلوم لاری
35 بولسون هزاراسب دین یقین وقت لاردا
اوغیرلانغان برنجه آط و برنجه اوی لار اوغیرلانغان ایردی آلارنی درک فی
سورالساق آلارنی داغی بیزلار اوغیرلادوق دیب علامت
لارینی آیتب جواب بردی صورت واقعه اوشبو طریقه مذکور رجب دیکان بله فی
آیتغان علامت تاپیلغان سبب لی مذکور صفا فی

میرشب غه تاپشوروب قویولدی مذکور رجب نی تاپیلغان ملتوق تفاقچه نی ۲۳ دانه
 اوق نی آطلی غه قوشوب خدمت
 لاریغه ییارولدی دیب اوشبو مکتوب بتیلدی ۱۵ نجی جمادی الثانی
 ۴۰ [؟] ۱۳۶۴ لانی یلدا
 مهر: اسماعیل خواجه ابن ابراهیم خواجه

64 A damage in the text.

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معتمد الدولت مقرب الحضرت يساول باشى آقاميز خدمت لارى غه معلوم اولغايم
 آخرى ماه جمادى الثانى دا پنجشنبه كوني آذانده جنكالي مسجد ملا محمد رحيم دين
 جبار بركان آقسقال كيلىب معلوم قيلديكم آقشام ايشجان ديكان نى اويي غه اوغرى
 توشوب مذكور ايشجان نى قوليني سندوروب ايني سى قل محمد ديكان نى تياق بيلان
 باشيغه اوروب باشيني ينجيب و يوغون ساني دين فحاق بيله بر آزكوشي نى كسيب
 اويي نى تمام اشيايلارى نى آلب كيتب دورلار ديب درحال معلوم بولغاچ
 قاضى ايشان لارنى بويوروب يباريلدى قاضى ايشان لار باريب صورت واقعه لارى
 نى خط ايتب كيلكاندين سونكره بر ايكي ساعت كين مذكور قل محمد ديكان
 فوت بولغان ينه خبر بركانلاريدين سونكره قاضى ايشان لاردين كيشى بويوروب
 مذكور اولكان آدم نى مدفون ايتاكلاريغه بويورلدى سونكره ايزچى غه كيشى بويروب
 يباركان دين سونكره پشين وقتيدا محمد يعقوب خواجه ديكان متولى بيله عبدالله ديكان
 همراه تيوه بيلان بير آز نمرسه آلب كيلدى لار خانقاه ياش كه لارى
 حضوريدا مذكور نمرسه لارنى كوروب مذكور ايشجان ديكان لارنى كيشى بويوروب
 آلارنى آلدوروب مذكور نمرسه لارنى آلا رغه كورساتيلكانده تمامى
 نمرسه لارى آلارنينا مال لارى ايركان اوشبو سببلى مذكور مال لارنى خانقاه ياش
 كه لارى و هم ايلات كدخدالارى حضوريدا مذكورنى آقسقال جبار بركان غه
 تاپشورولدى سونكره محمد يعقوب خواجه لاردين اوشبو مال لارنى نه يردين تاپدينكرلار
 ديب سورالغانده عبدالله خامباش ديكان جواب برديكم
 منينك مورنى قبله سيداغى يريم نى اوستيدا بر دولام بار ايردى مذكور دولام غه
 باريب بعضى دهقانچليق اسبابلاريم نى آلماچى بولوب بارسام ايچينده
 بر آز نمرسه تورغان كوروب محمد يعقوب خواجه ميز نى يانينغه باريب آيتب خواجه
 ميز بيلان همراه كيلىب كوركاندن سونكره خواجه ميز اوشبو نمرسه

5

10

لارنى آراهه⁶⁵ غه يوكلاب باي آقانى حولى سيغه آليب بارادورمىز ديدى من درحال
 تيوه م نى آليب كيلىب يوكلاب مونده آليب يكلدوك ديب جواب بردى
 ايزچى كيلكندىن سونكره ايزلارنى آليب اول مذكور مال تاپلغان دوله غه آليب بارىب
 آندىن اوتوب قياتلى قربان باي و همراه ديكان لارنى
 اويي غه آليب بارىب دور آلارنىنك اويي دين چيقارىب نوخاصلى محمد شريف ديكان
 اوغرى نى اويي غه آليب بارىب دور مذكور ايزچى يانيداغى قوشغان
 خدمت كارىم غه اوشبو اوچ نفرلارى اوغرى لارنىكىز ديب توتوب بيركان دين
 سونكره آلارنى توتوب آليب يكلدى لار مذكور اوچ نفر
 لاريدىن سورالغانده اوچ لارى هم انكار بولادورلار اوشبوني خدمت لاريغه معلوم
 ايتادورمىزكم مذكور محمد شريف ديكان اوغرى اول
 دين نيچه مرتبه خيوه غه بارىب قوتولوب يوركان ايردى مذكورنى ايلات كدخدا
 آقسقال لارى و هم قربان باي و همراه ديكان اوغرى لارنى ايلاتى و هم
 كدخدا آقسقال لارى كيلىب عرض ايتادورلاركم اوشبو اوچ نفرلارى نى خدمت
 همايونلاريغه آيتىب اولتورتوروب بيرماسه نكيز بيزلار
 فقرا بولوب اويي ميزدا فراغت اولتورا بيلهايدورمىز ديرلار اوشبو سببلى سيز حرماتلو
 غه معلوم ايتادورمىزكم اوشبولارنى هم
 خدمت همايونلاريغه آيتوب اولتورماكه تردود⁶⁶ قىلسه لار ايركان اكر قوتولوب
 خلاص بولوب يكسه لار مذكورلارنى ايلاتى بيله و غيرى
 فقرا لار فراغت بولمايدورغان كورونادور مذكور اوچ نفرلارى نى و هم قاضى ايشان
 لارنى صورت واقعه يازغان خط لارى نى اوشبو
 خط غه قوشسه خانقاه دا تورغان قراول قهقهه بيك پيلان خدمت بياريلدى ديب
 صورت واقعه اوشبو دوركم
 خدمت لارى غه تحرير ايتلدى ۵ نجي ماه رجب اي ۱۳۶۱ نجي يلى

65 sic.

66 Textual variation of تردد.

بیکیجانبای حاجی محمد یار قاضی اوغلی الله برکان کوادن اوغلی حاجی کریم قوی ترسوم
بای اوغلی

25 بزنجم الدین الله برکان حاجی اوغلی یوسف بای حاجی اسکندر اوغلی

مهر: آقهر حاجی محمد بای

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عزت نشان يساول باشى اقا زيد عمره نى خدمتلا ريغه معلوم
 لارى بولغايلار كيم خواجه ايلي شيرين مسجد قوميدىن مسماة حنيفه
 بيكه ديكان نينك ايريم صادق ديكان بى وجه شرعى اوروب
 بدينم غه جراحت سالدى ديب حاكم غه عرض ايتب يساول
 5 يياريب مذكور ايرى نى الدوريب اكى لارى نى بزلار نينك
 حضور لار يمزغه يباردى بعده مذكور ايريدىن سوراغانمىزدا
 اورغانلقى غه مقير⁶⁷ بولدى بعده مسماة مذكور نى مؤمنه و متدينه
 برخاتون نى امين ايتب كورساتيلدى اعضالار يده جراحتى
 بار ايركانديب امين مذكور بزلار غه خبر بردى مسماة مذكور نى
 10 مسئله غه بويوريلدى مسئله مفتى بهاء فى الضمن نى مضمونيغه عمل
 ايتليب شريعت پرمايشى⁶⁸ ييله تعزير اورماقچى بولغانمىزده توروب
 يوقديب كدى شول حاديشه دين باشقه بزلار نينك حضور يمزدا
 فول تنكه حاديشه بولغانى يوقتورور ديب صورة واقعه تحرير ايتلدى
 مهر: قاضى [※]
 قاضى خواجه ايلي [※]
 قاضى خواجه ايلي داملا محمد صالح خواجه [※]
 قاضى خواجه ايلي داملا بابا جان خواجه [※]

67 Textual variation of مقر.

68 Textual variation of فرمايشى.

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وزارت پناه نجات دستگاه يساول باشى اقاميزينك خدمت لاريغه معلوم بولغاي
 كيم كورلان لى
 باباجان يوزباشى نينك قومى دين محمد يعقوب ايش محمد اوغلى ديكان طلب كارليغ
 قليب اوركنج غه
 كليپ كسل بولوب دانش ليق⁶⁹ وجهى دين اوركنج لى خواجه فارساني قومى داغى
 ويس باى ديكان نينك
 اوييغه بارغان ايركان شولتوغريدا مذكور ويس باى ديكان بيزغه و قاضى ايشان لارغه
 معلوم قيلديكيم
 5 كورلانى محمد يعقوب ديكان بيزينك جاييزدا كسل بولوب ياتيب دور ديب شونى
 برابريندا قاضى ايشان
 لاريميزدين و اوزيميزدين بر آدم يياريب سوراوولدى طلب قيلغان فلوينك بارمو و
 نمرسه قرالارينك
 بارمو ديب آنى برابرينده مذكور قوم نى آقسقال كدخدالارنى حضوريده محمد يعقوب
 ديكان ايتغان سكيز منات
 و بر اوراق بر ايشك باشقه نمرسه قرام يوقديب ايشكين مينب اوييغه كيتاچى بولوب
 كيتب فشين⁷⁰
 وقتيدا يولده فوت بولغان ينه بيزغه خبر كليپ قاضى ايشان لاريميزدين بر آدم نى و
 اوزيميزدين بر آدم نى
 امين قليب يياريب يوغوچ لارنى الدوروب كوركفن ايتدوروب جنازه اوقوب قرا
 10 علم بابا

[verso]

عليه الرحمه غه امانت دفن ايتدوروب قويدوق و متوفا مذكور نى ايشكى نى و اوراق
 بيله

69 Oghuz rendering of تيشليك.

70 Textual variation of پيشين.

سکیز منات تنکه سی نی اوچ کهنه چفان وبر کهنه چکان وبر جوکر مه لارینی یوغوچی
 خدای بیرکان
 دیکان غه تاپشوردوق دیب اوشبو صورت واقعه نی خدمت لاریغه معلوم قلیب
 داغی

ماه شعباندا خط بتلدی ۱۳۳۵ نچی یلدا

مهر: الله برکان (?) ابن عبد الرحیم بای

قاضی اورکنج داملا عطا الله ابن [※]

قاضی اورکنج داملا آتا جان ابن بابا صوفی مرحومی (?) ۱۳۳

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وزارت پناه نجات دستکاه امانکدی بای یساولباشی اقامیزینک معلوماتاری
بولغایم ۱۶نچی ماه شعبان ده ایردیم قره ماضولی جبار بیرکان آقسقال و تکرری بیرکان
بای
و اوستا یعقوب لار مونده بیر ناچار بیله بیر یکیت نی توتوب یکتوروب معلوم
ایتدیلار

اوشولار ایلاتمیزغه کیلیب مهمان بولوب ایردی لار یوروشلارینی ناقولای
کوروب توتدوق دیب شول سبب لی مذکور قاققونچی لاردین سوراشیب 5
کورساک ناچار آلیب قاققان یکیت تاشحوض لی و قیز مناق لی ایرکان مذکور
ناچار تاشحوض ده باباسی خدای بیرکان چوپچی دیکان نیکیغه کیلکانیده مذکور
تاشحوضلی اسکندر دیکان یکیت ناچارنی آلیب قاقچیب چقیب تاشحوض ده اوزیم
نی

جایم ده ایکی آی ساقلاب آندین سونک چاکوفروکلی آته مراد دیکان نینک
کیمه سیغه یتیب کیلیب قره ماضو توغریسیدین چقیب خانقاه تابع لارغه عبدالله 10
دیکان

وینه اشتیرنیکیه باریاتور ایردوک دیر نمرسه قره لاریمزنی هم عبدالله نیکی غه
بیاردوک
قیزدین سورادوق سن کیشی غه نکالی⁷¹ یاکه فاتحه لی ایردینک مودیب جواب

[verso]

یردی من هیچکیم غه فاتحه لی یاکه نکالی⁷² هم ایرماسمن دیب شول سبیلی مذکور
قیزنی اتاسی نی مناق دین آلدوروب آلارنی و قیز آلیب قاقچیب یورکان یکیت
اسکندر دیکان لارنی قوشیب خدمتلاری غه بیاردوک ایمدی نه دیب 15

71 Textual variation of نکاحلی.

72 sic.

مهربان بولسه اوزلاری ییلورلار دیب ۱۸ نجی ماه شعباندا بو خط بتلدی

۱۳۳۴ نجی یلدا

مهر: عبد الرحیم بای ابن محمد یوسف بقال

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عزت نشان یساولباشی آقاغه معلوم بولسونکیم اوشبو یردا
 قربان محمد سردار آقانی جایی دا اولتورغانمیزدا غازی آباد
 فقرالاری سردار آقاغه عرض ایتدیلار اوستا محمد نیاز دیکان نی
 قیزی نی شوهری اوز رضالیتی بیله آریب ایردی مذکور
 5 ناچارنی اوز ایلاتی و اوز قرینداش لاری ملا عثمان دیکان
 اوچون نفقه کسب ایرکان لار مذکور ناچارنی نوخاصلی
 جمعه نیاز دیکان آلیب قاجیب کتیب دور ایمدی مذکور ناچارنی
 تافدوسدوروب حضرتیمیزغه معلوم ایتوب اکاسیغه
 قوشوب یبارینک دیب ۲۴نجی
 10 ماه جمادی الاولدا خط بتلدی ۱۳۳۶
 مهر: عبد الکریم محرم ابن عبد الرحیم محرم ۱۳۳۱

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معتمد الدولت مقرب الحضرت يساول باشى آقاميز خدمت لارى غه معروض
 اولکیم ۳نجی ماه جمادى الثانی آیى دا قولان قره باغلى مسجد حضرت پهلوان
 دین ساتم بيله اتاجان دیکان لار معلوم قیلدیلار کم آقشام محمد یعقوب آقسقال نینک
 اوی غه اوغرى کیلیب اوچاکی غه کیشی چقیب مذکور محمد یعقوب
 آقسقال نى اوغلى اوزى اوچاکیدا قراول لىق ایتب یاتغان ایرکان مذکورنى بوغوب
 اولتوروب دورلار داغى اوی غه توشوب
 اوی آسبابلاری نى آلیب ینه بر جایی دا بر ناچار بيله محمد یعقوب آقسقال نى کچیک
 اوغلى یاتغان ایرکان آلارنى اوستیغه کرکانلاریدا مذکور
 بله عبدالله دایم دیب تانیغان مذکور باله نى عبدالله دیکان اغزی نى توتوب سونکره
 مذکور اوی نى تمامی آسبابلاری نى آلیب کتب دورلار
 سونکره آزانی مونده کیلیب معلوم قیلغاچ قاضی ایشان لار دین بر امین آلدوروب
 یانیغه بر خدمت کاریم نى قوشوب پیاردوم آلا بارغاندین
 سونکره مذکور اولکان آدم نى کوروب دفن ایتکیغه بویوروب ایزچی آلیب کیلیب
 مذکور ایزچی اوغرى لار دین بر پیاده ییلان
 بر تیوه نى ایزی نى آلیب بویقزاقلى مذکور عبدالله دیکان نى اوی غه آلیب باریب
 دور سونکره مذکور محمد یعقوب آقسقال دیکان نى اوزى کیلیب
 اوشبو نى معلوم ایتدیکیم مذکور عبدالله دیکان نینک کمانداریم هم اوشبو تورور دیب
 معلوم قیلدی سونکره مونداغی یموت نوکرلار دین
 ایکی نفری نى بیش آریق حاکی نى آویغه فتک یازیب پیاریلدى بیش آریق حاکی
 آلارنى یانیغه کیشی قوشوب همراه مذکور عبدالله دیکان نى اوی غه
 باریب مذکور عبدالله دیکان بيله جماش دیکان مونده آلیب یکدیلار اوشبونى
 خدمت لاری غه معلوم ایتادور میزیم مذکور عبدالله دیکان بيله
 جماش دیکان اوغرى آلارنى و هم مذکور محمد یعقوب آقسقال و ایشان آقسقال و
 ساتم دیکان آلارنى خالبای قاضی بيله قوشوب خدمت لاری غه پیاریلدى

5

10

داغی معلوملاری بولغایم دور غاویک لی محد رحیم بای دیکان نی یاز ایامیدا
 بولا دورغان جایی غه اوغری توشوب دهقانچلیق آسبابلاری بیله بر پشه خانه
 بر چای نیک کاسه بر تونچه بر پازه بر آز سامانی نی آلیب دورلار آزانی ایزی نی
 آلیب بوای لی جمعه نیاز دیکان نی اوپی غه آلیب بارغانلاریدا مذکور
 15 جمعه نیاز دیکان اوپی نی قراتمای دور کیلیب مونده معلوم قیلغاچ مونداغی یموت
 قراول لاردین ایکی نفرلاری نی بویوروب آلاز باریب مذکورنی اوپی نی
 و ایکی طرف ایلات نی کدخدا آقسقال لاری بیله بارلاغانلاریدا مذکور نی اوپی
 دین بر پازه بر تونچه بر پشه خانه بر چای نیک کاسه سین تانیب دور سونکره مذکور
 اوغری لارنی مونده آلیب کیلکاندین سونکره مذکور جمعه نیاز و باباجان دیکان لار
 دین سورالغانده اول انکار بولوب سونکره بویون بولدیلار
 اوشبو نی هم خدمت لاری غه معلوم ایتادورمیزکیم مذکور تاپلغان غمرسه لاری نی
 محد رحیم بای غه تابشوروب مذکور ایکی نفرلاری نی هم خالبای
 قاضی بیله قوشوب خدمت لاری غه یباریلدی دیب صورت واقعه اوشبولاردورکم
 20 خدمت لاری غه تحریر ایتلدی ۷ نچی ماه جمادی الثانی دا ۱۳۳۶ نچی یلی
 داغی معلوم لاری بولغایم حانقاه یاش کته لاری التماس ایتادورلارکیم اوشبو طریقه
 نامدار اوغری لاردین اوچ تورتن نفرلاری غه اولوم جزاسی
 بریلسه ایرکان اگر جزا وتنیه بریلهاسه کون کوندین اوغری کوپراق بولا دورغان کورونادور
 دیب تحریر ایتلدی
 مهر: آقهر حاجی محد بای

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وزارت پناه نجات دستگاه امانکدی بای یساولباشی
 آقامیزینک معلوم لاری بولغایم اویغورلی عبدالله
 دیکان نی خاتونی نی عبادالله دیکان بی وجه اوروب
 بیرکوزی نی جراحت دارایتکانی سبب لی مذکور عبادالله نی
 5 مونده آلدوروب سوراماقی بولغانمیزده قاجیب کتیب
 آندین سونک آقسقالی غه بویوردوق مذکور عبادالله نی
 تابغین دیب شولوجه دین ایرتکی کونی قوشاق دیکان
 نکیدین تاپیب کلتوروب همه آقسقال کدخدالاری
 اوزلاری تاشقاریده یراشتوروب جراحت
 10 دارغه ملحم فلی دیب اون طلا و یساول حتی و کدخدا
 فلی دیب جی اوتوز آلتی اوتوز یتی طلای چقیب ایردی

[verso]

شوندین سیزینک سی⁷³ قلونکیز دیب بیزغه
 اون یتی طلا قویدیلار باشقه لاری نی کدخدالاری
 و یساول لاری و ملحم فلی لاری غه کتیب دور
 15 ایمدی مذکور عبادالله دیکان نی یساول آلیب
 کلیب دور ملا قربان بای و یولداش آقسقال لار
 اوروب یتیش بیش طلام نی آلدیریب آنینک
 اول سوزی بیکاره دور صوره واقعه
 اوشبو دور دیب ۱۷نجی ماه ربیع الثانیدا
 20 خط بتلدی
 ۱۳۳۵نجی
 یلدا

مهر: عبد الرحیم بای ابن محمد یوسف بقال

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وزارت فناه⁷⁴ یساولباشی آغامیزینک خدمت لاریغه
 معلوملاری بولسونم تاشخوخلی قوتلوق مراد صوفی
 دیکان یکلب معلوم قیلدی مناق ده اولتوروملی قوربان بای
 دیکان موندین مقدم التی ای لیق ده اویمده مهمان بولوب
 5 آطم نی اوغورلاب و ینه برککز فوستون لاریم نی
 آلیب کتیب ایردی الحال مناق بازاریده تافدیم
 دیب مذکور قوربان بای دیکانندین سوراساق منکر
 بولدی مذکور قوربان بای دیکان نی یانیغه نوکر آطلی
 قوشوب آط ایکاسی قوتلوق مراد صوفی دیکان نی هم
 10 خدمت لاریغه ییاریلدی اوشبو نی معلوم قیلورمیز
 دیب ۲۲نجی ماه ربیع الثانی دا ساغ
 سلامت لیک لارین تیلاب خط بتلدی ۱۳۳۵
 مهر: محمد یعقوب بای ابن جبار قلی محرم ۱۳۳۴

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وزارت پناه حکومت دس کا⁷⁵ یاسول باشی⁷⁶
 اقامیزینک جناب لاریغه مع روز⁷⁷ اولکیم قره داشلی
 آغا دی کان ربیع الاول آی نی سکر لانی کونی یکب
 عرض ایتدی غر دیکان آکه سینک قیر⁷⁸ بیلان بر یکت نی
 5 اولدروب دور بزلارکا بر امین بیرونک دیب
 قازی⁷⁹ ایشان نیک یانلاریغه بر امین نی قوشوب
 یوبردوک باروب برکا کورینک لار دیب باریب
 میت لارین کورب میتی میت ین ایکالاریغه
 بیروب یوبردوک دیرلار جاراجتی⁸⁰ بارمودیب
 10 قازی⁸¹ ایشان دین سورادوق بر یکی یریدین
 فیچاق و تیاق جراحتی بار دیرلار اول کان کیشی
 لارنی خوس تار لاریدین سورادوق دوانکر⁸² بارمودیب
 آلا رآی دیلار ایکی سینی برکا اول درکان دین سونک

[verso]

دوامیز⁸³ یوق دی دیلار دیب ربیع الاول
 15 آی نی ۲۲ سیده خط بیتلدی سنه ۱۳۳۵
 مهر: محمد کریم یوزباشی ابن اسماعیل ۱۳۳۴

75 دستگاه. Textual variation of
 76 یساولباشی. Textual variation of
 77 sic.
 78 sic.
 79 قاضی. Textual variation of
 80 جراحت. Textual variation of
 81 sic.
 82 دعوا. Textual variation of
 83 sic.

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هو

عزت نشان یساولباشی اقایینک معلوم لاری بولغایلا رکیم و یارمیش
 بولی مسجد چعش میراب کاتلی دا رحیم بای و اتامرادلارینک اویکا تورت
 آطلی و آلتی فیادا قوشولوب مذکور رحیم بای نینک بر جوفت اوکوز و بر سیغیری نی
 5 آلیب و اتامراد مذکورینک خاتونین اطیب اولدوروب و بر دهقانین
 هم فیچا قلاب یارادار آتیب کیتب دور و ینه چلنک توابعدا حیتن
 دیکانینک هم اویکا بیش آلتی قوپولوب و بیر سیغیری نی آلیب
 مذکور حیتن نینک اوزی نی آطیب اولدوروب کیتب دور ایمدی تاشخوس توا
 بع نینک چار⁸⁴ اطراف لاریده بیر یکی اوچ کوندین بری شونینک
 10 و دیکار ایش لار قوزغالیب توروب دور و شول مذکور جای باسیب
 و مال آلیب و آدم اولدوروب یورکان اطلی و فیادا یموتلارنی
 سیدنیازنینک اطلی و فیاداسی دیب آیتوشورلار و ینه داغی
 تاشخوس فقرالاریغه بی تیکیش بی اورون و بیر قاره ایش لارنی

[verso]

ایتیب سن دا فلان نمرسه و فلان و جلا ریم⁸⁵ بار دیب بی تیکیش
 15 بی شریعت بی وحی شر⁸⁶ ایشلارنی ایتیب یروب دورلار تاشخوس
 توابع لاری کوب نادینچ⁸⁷ دور و ینه داغی فقرالارغه بیر نمرسه آد⁸⁸ و قوی نی
 مینک منات و یکی مینک منات لارین هم آلیب یوروب دورلار
 ایمدی اوشبولارنی خدمت لاریغه معلوم قیلامیز دیب خط بتلدی
 ۱۸ نچی ماه رجبدا ۱۳۳۶ نچی یلدا
 مهر: جمعه نیاز محرم ابن محمود دیوان

84 Textual variation of چهار.

85 Textual variation of وجه لاری.

86 Textual variation of بی وجه شرعی.

87 Oghuz rendering of ناپتیج.

88 Oghuz rendering of آت.

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عزت و سعادات نشانه یساوباشی⁸⁹ اقانینک معلوم لاری بولغای
 لارکیم ایش جان بای دیکان نی اویکا اوغری توشکان
 سبب لی خدای برکان قول دیکان نی قولیدین و برتونک نی
 دانیب⁹⁰ ییزنی یانیزغه آلیب یکلدی لار و ییز سوراش غانیزدا
 5 آیتورمان ینه بر ادم بیله همرالوغدا⁹¹ بوغدا⁹² وقوی و تونک لارین
 الدیم دیب ایقرار⁹³ بولدی و شوندین سونکرا اقسقال و کدخدا
 لاری ییزلار ایلات غه باریب اوشبو سوزلارنی سوراشیب
 سونکرا یانیکیزا یکتورورمیز دیب کفیل بولوب الیب کتیب ایردیلا
 و شول اقشامی خیه غه کتیب ایش جان بای دیکان نینک
 10 اوستیکا اطلی ییاریب دور ایمدی اوشبو خدای برکان قول

[verso]

دیکان کوب بیهوده یمان آدم دور ایمدی
 اوشبونی خدمت لاریغه قیلامیز دیب ماه جمادی الثانی دا خط بتلدی ۱۳۳۵
 مهر: جمعه نیاز محرم ابن محمود دیوان

89 یساولباشی. Clearly

90 Oghuz rendering of تیب.

91 Fonetic rendering of همرالوقدا.

92 بوغدا.

93 Textual variation of اقرار.

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وزارت پناه و حکومت دستکاه یساولباشی آقامیزنینک
 خدمتلا ریغه معروض اولکم قونکرات آچی قویی لی باباجان اقسقال
 دیکان فوت بولدی دیب معلوم ایتکانی اوچون قاضی ایشان
 بیله اوز طرفزدین بر آدم بیاریب متوفای مذکورنی
 وارث لارینی بارلاب سوراشغانلاریدا بر سینکلسی بار 5
 ایرمیش قوچقار اقسقال دیکان من یقین قرینداشی
 من مونی مال اشیا لاریغه وارث بولورمن دیر ایش
 انی وارث لقیغه ایلی نی اقسقال و غیر کدخدالاریدن اعتبار
 ایتایدور باشقه اوغلی و قیزی یوق ایرکان شول سببلی مذکورنی
 قرض لاری بیله یر ملک و غیر اسبابلاری نی اقسقال کدخدالارینی 10
 حضورلاریدا رویخط ایتوب مذکور رویخط نی خدمتلاری غه
 بیاریلیدی مذکور قوچقار اقسقالنی ایل اتی نی بعضی کدخدا

[verso]

لاری وارث لیق و قرینداش ایرکانلیک لاری راست
 دور دیر مذکور رویخط دا بیان بولغان مال اسباب
 یوق بولماس دین اول نه مهربانلق لاری بولسه خط بیله 15
 معلوم قیلسه لار دیب
 ۵ نچی ماه شعباندا خط بتلیدی ۱۳۳۶ نچی
 مهر: محمد یوسف بای ابن پهلوان محرم

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وزارت پناه یساولباشی اقامیزنینک خدمت لاریغه معلوم بولغایم
 قونکرات لی مسجد ایل امان یوزباشیدا الله بیرکان اقسقال نی
 قومیدن جمعه نظر دیکان اوتکان یلی کوزاک فصلیدا حانقه
 بازاریدا بر آطین اوغورلاتیب اوغری سی نی هنوزنجه
 5 تاپمای یورکان ایرکان اوشبو یلی ۸نجی ماه ذالقعده⁹⁴ دا
 قوش نظر ولد دولت مراد دیکان نی اطیدا یوق بولغان
 آطیداغی سالیب یورکان یونه سی نی تانیب مذکورنی توتوب
 حضوریمزغه یکتوردی بز سورادوق سن بو یونه نی قایدین
 الدینک مونی اوغورلانغان اطی نی اوستیده کیتکان یونه
 10 ایرمش دیب اول ایتدی من بو یونه نی حانقه نی
 بازاریدن ساتعون ایلب ایردوم دیب بیز ینه احتیاط

[verso]

بیله تفتیش ایتب سورادوق یوق بولوب اوغورلانغان
 آط اوستیداغی یونه سندن چیقادی سن توغریسین ایلتاسانک
 سینکا جزا بیریلور دیب شولتوغریدا قوش نظر ایتدی
 15 من مونی آطی نی حانقه بازاریدن اوتکان یلی کوزک وقتیدا
 اوغورلاب ایلب بیر قزاقغه اوتوز طلا غه ساتیب
 تنکسینی الدوم دیب سونکره ایکی طرف نی کدخدا اقسقال لاری
 مذکور قوش نظر نی آطی نی جمعه نظر نی اوغورلانغان آطی اوچون
 ایلب بریب رضالاشدوردیلار و اوغری قوش نظر
 20 مذکورنی اقسقال کدخدالاری ایلتاس⁹⁵ ایتب گاهی نی

94 sic.

95 Textual variation of ایلتاس.

تیلایدور لار شول سبیلی مذکورنی ساقلاندی ایمدی مذکورنی
کدخدالارینی ایلتاس⁹⁶ لاری بویونجه مهربانلیغ لاری بولسه

[recto]

بوشاتیب ییارورمیز واکر موندایارسونلار دیکان
پرمایش لاری بولسه خدمتینکرغه
25 ییارورمیز دیب ۱۲نجی ذالقعهده⁹⁷ دا خط بتلدی ۱۳۳۶نجی

مخفی قالماسونکیم مذکور قوش نظرنی اقسقال کدخدالاری نی ایلتاس⁹⁸
لاری سبیلی قهقه وکیل ییله قربان اقسقال نی کفیل ایتب
تاپشوردولار
مهر: محمد یوسف بای ابن پهلوان محرم

96 sic.

97 sic.

98 sic.

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عزت نشان یساولباشی آقانی معلوم لاری بولسون ۱۳ نچی جمادی الاول دا دوشنبه
 کیچی یعنی کیچه چواندور
 موضع دا بولغانخادته خدایرکان اشنیاز دیکان نی ایشکی نی آلدیدا بر درخت دین
 آسیب
 اولتورودورلار واقعه نی خبر بردی لار شریعت شعار قاضی ایشان لاردین و
 اوزیمزدین امین
 بیاریب موضع مذکورنی آقسقال کدخدا مردم لاری ایلان مذکور امین لار کورکاندین
 سونکره دفن
 ۵ ایتاککا جواب بریلدی مذکور کدخدالارنی خضوریندا واقعه نی سورالدی مذکور
 کیچه دا مقتول نی اوپوندا
 آتاسی اشنیاز و آتاسی جمعه بیکه و آفاسی شکر بیکه وانی ایری پهلوان و عمکی لاری
 حسین و عبدالله لار
 یاتغان لار مذکور مقتول خاتونی رحمیه بیکه بیله بر اویدا یاتغان لیک دا اوشبو واقعه
 دین
 هیچ برلاری خبر تاپمغان لار تانک دا عبدالله دیکان طحارت اوچون دیشان غه
 چقیب انی کوروب
 نی کاره ایرکانین بیلهای مذکور حسین دیکان غه خبر بریب دور چقیب کوروبدورلار
 واقعه
 ۱۰ شولطریقه ایرکان اندین سونکره مقتول نی خاتونی رحمیه بیکه دین سوز سورالدی
 ایتورکیم
 کیچه ویسنیاز و عبد الرحمن و آدم بای تقلال دیکان لار بیله ینه بر ادم کرب
 مذکور
 نام لاری بیان بولغان اوچلاری ایرمینی آلیب کیتدی لار بری منی باسیب اولتوروب
 قالدی

[verso]

منداغی یخور⁹⁹ بولومن باشقه ایش نی یلمهای دورمن قفو اوستدین ایلیک ایرکان
 دیب جواب بردی
 سنی باسیب اولتوروب قالغان کیمدور دیکاندا کورسام تانیدورمن دیب نشانه لارین
 آیتدی کورساتیلدی قربان نیاز دیکان نی اوشبودور دیدی مذکور آدم لار نچون
 ایرینک نی
 بو طریقه ایتدی لار دیکاندا ایریم نی مذکور ویسیناز خاتونی بیله ایشی بار ایردی
 شولسبب لی
 دیب جواب بردی سونکره مقتول نی حوستارلاری اشیناز جمعه بیکه شکریکه
 لاردین
 سوز سورالدی آلا رایتورکیم بزلا رنی قانداریمز ویسیناز بیلان عبدالرحمن
 دیکاندور اوغولیمزنی خاتونی رحمیه بیکه درکلی اولتورماچی ایردی لار اوشبونی
 موندین مقدم یاش اولوغ لاریغه معلوم ایتب ایردیم دیب جواب بردی
 مذکورنی سوزی نی قلندر آقسقال غایب نظر ارباب لاردین سورالدی معلوم ایتب
 ایردی
 دیب جواب بردی لار سونکره ویسیناز و عبد الرحمن ادم بای تقلال قربان
 نیازلاردین
 سوز سورالدی آلا ر منکیر¹⁰⁰ اندین سونکره مذکور تورت لاری نی میرشب غه
 تاپشوروب
 مذکورہ رحمیه بیکه نی کفیل کا بریب صورت واقعہ نی خدمت تحریر قیلنب
 مہربانچلیق لاریغہ قرالدی دیب اوشبو ماہ مذکورنی ۱۵ لانیچیندا
 مکتوب بتلدی ۱۳۳۵ لانیچیسیدا
 مہر: اسماعیل خواجہ ابن ابراہیم خواجہ

99 Textual variation of یخور

100 Textual variation of منکر

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هو

وزارت پناه نجات دستگاه یساول باشی اقامینینک خدمتلا ریغه معلوملاری
بولغایم اورکجدا

غایو موضعی دا آطلیغ یرده اولتوروملی سید حاجی بای اوغلی نینک درگاه عالی
لاریغه عرض ایتب اوشبو

یکرمه آتی لانیجی ربیع الثانی دا دوشنبه کونی فوجته¹⁰¹ خدمتی غه تورتل غه کتب
ایردیم عیالیم اوغول بیکه پهلوان قیزی

اویوم دا تنها قالب ایردی یکرمه یی لانیجی ربیع الثانی دا فوجته نی تاشلاب اویوم
غه قایتب کیلیب قراسام

دربازم ایلیک دور شولوجه دین قیچقوردیم هیچ بیر خبر اشیتمادیم آندین سونکره
اوزوم نینک

بیر یقن قونکوشیم حاجی پهلوان اوغلی نینک اوییدین خبر آلماقی بولوب بارور ایردیم
اویوم نینک یاریم طناب

اوزاقیده مذکور عیالیم نینک اولو کین کوردیم آنی فیچاق ایلان اوروب اولتورلوردور
اوشبونی اولتورکان

حاجی پهلوان اوغلی تورور و هم مذکور عیالیم نی قولیده بیر یوز ایلیک منات تنکه
سی نی بارلغین بیلور ایردی شول سبب لی

آندین کورورمندیب امین آیب باریب مذکور اولوک نی جایلاب قایتب کیلکان ایرکان
مذکور اولوک نی و هم

حاجی پهلوان اوغلی نی توغری سیده آلا رنینک عنایت نامه لی اقسقالی ایش محمد
اقسقال بابانیا ز اوغلی و جمعه نیاز اقسقال

ابراهم اوغلی و باباجان اقسقال عبدالله اوغلی و قربان بای اقسقال رحمانیرکان اوغلی
و حاجی نیاز بالطه نیاز

101 Phonetic rendering of the Russian word *pochta*.

اوغلی و سلطان بای شیریم اوغلی ویس نیاز عبدالله اوغلی و ایرنیاز توره اوغلی و
 باباجان بالطه نیاز اوغلی و ستارقلی
 محمد سعید اوغلی دیکانلارنی آلدوروب اوشبو ایش حقی دا تفتیش ایتب
 سورا شغانمیزدا آیتادورلارکیم مذکور
 سید حاجی بای اوغلی دیکان ایلان حاجی پهلوان اوغلی دیکان ایکی لاری یقن 15
 قونکوشی بولوب اولتورغان اوشبو ایکی
 لاریدین غیری اوزلاری نینک یانلاریدا قونکوشی بولوب اولتورغان هیچ بیر کیشی
 یوقدور ییزلارننک اولتورغان
 یزلاریمز مذکور ایکی لاریغه چهار یک فرسق¹⁰² دیک اوزاق ایردی مذکورننک نه
 طریقه دا بولوب اولتورولکانی نی ییزلار
 یلهایدورمیز مذکور حاجی پهلوان اوغلی نینک موندین مقدم وقت لار دا هم مونکا
 اوخشاش ایشلارغه مباشر بولوب یورکانی نی
 ییزلار اشیئتادوک اوشبو واقعه هر نچاقلی تردد ایتب کورکانیزدا هم ییزلارننک مونکا
 فهمیمز یتوشمایدور دیب
 داغی مذکور سید حاجی بای اوغلی آیتادر مذکور عیالیم نی اولتورکان شول حاجی 20
 پهلوان اوغلی دیکاندور باشقه آدم ایرماسدور
 دیب شول وجه لی مذکور پهلوان اوغلی دین سورا شغانمیزدا آیتادورکیم منینک اوشبو
 طریقه داغی ایشلاردین اصلا خبریم یوقدور
 دیب ایمدی مذکور توغریده
 اقسقال کذا و مدعی و مدعی علیه لارننک
 سورا شغانمیزداغی بیرکان اوشبو جوابلارین
 خدمتلا ریغه معلوم قلامیزکیم صورة 25
 واقعه اوشبودور دیب
 اوشبو مکتوب ۵ نجی جمادی الاولدا
 مرقوم بولدی ۱۳۲۹ نجی یلدا

102 Textual variation of فسخ.

[verso]

سید بوچته چی اقرار قلدی حاتونوم اوغول بیکه بنت
 پهلوان نی اولکانی درکدین حاجی بن پهلوان دین ایکی ایلک طلا صلح غه راضی
 بولدوم دیب ماه جمادی الثانی عنجی سیداکدخدالاری باباجان اقسقال و جمعه نیاز
 اقسقال
 و ایش محمد اقسقال و قربان بای اقسقال ۱۳۲۹

[no seal]

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وزرات پناه حکومت دستکاه یساولباشی آقامیزینک خدمتلا ریغه معروض اولکیم
 اون ایکی لانی ماه صفر دا قم سنکرلی
 اوغول کفر¹⁰³ دیکان یکلب معلوم قیلدی کیم او یوم غه یتی آدم کریب بیر قره توری
 بایطال و بر تازہ آرابه¹⁰⁴ و اوچ
 باققی قوی بر آرجه شونی ایچنده اون آلتی باتمان هفتہ نی تنکه سی اون بیش قداق
 یفاک تورت یفاک میسک
 تورت پادشاهی ایکی یگای تورت یفاک تون تورت آی رومال ایکی تورمه ایکی
 قتیغ شاهی و اوچیوز مناتلیق کاغذ
 برکوش بیلزک اوشو نمرسه لاریم نی آلیب کیتدی لار دیب کاندارینک بارمودیب
 سوراغانمیزده او یوم کاکیرکان
 یتی آدم نینک بری سارقبای دیکان نی تانی دیم کینیم شونیدین تورور دیکانندین
 سونکره مذکور سارقبای نی آلدوریب
 سوراغانمیز دا منکر بولدی شول سبب لی آقسقال کدخالاری بولوب سارقبای
 اوغری ایماس بیشتاتی کون آختاریلسون
 شاید باشقه براولاردین چقغای دیب سونکره آقسقالی ایشنیاز بیله بالته بای دیکانلار
 آریاقنی بارلاماق غه
 بارغانلاریده صفر قزاق دیکان آغاق بولوب یوز منات آلیب آیتوبدور سز لارنی
 اوغرینکر قم سنکرلی
 تنکری بردی دوستان ایشجان قزاق اوغلی بیله کلیب آط آرابه¹⁰⁵ نی ساتدی دیب
 بال محمد دیکان نی او یونده اولتورغانمیزده
 مذکور تنکری بردی یکلدی آریاقده مذکور تنکری بردی غه هیچ اوندامادوک بو
 طرفه اوتکونچه سونکره مذکور تنکری بردی بیله

5

10

103 Fonetic rendering of کمپیر.

104 sic.

105 sic.

یولداشی قزاق داستان نی خطای بازاریده ابراهیم یوزباشی بیله مذکور ایشنیاز آقسقال
لار توتوب دورلار ابراهیم یوزباشی
آدمی میز سوراغانده تنکری بردی آیتوب دور کیم مذکور بایطال بیله آراهه¹⁰⁶ نی
آریاقده عنایت بولوش نی قول آستیده
ساندوق اوچ قوی نی قم سنکری یوسف مخدوم نی اوغلی اوراض مجد آقسقال نیکی
ده سویولدی یولداشلارینک
15 کیم دیب سوراغانده برکان جواب لاری قم سنکری دولت و قل مجد و آتش آرانلی و
اوراض مجد مخدوم و قزاق
خفر بای دیکان لار تورور دیب مذکور اوغری لارنی ابراهیم یوزباشی بیله آقسقال
بزنی حضور میزغه آلیب یکدی لار
مذکور اوغری لاردین سوراودوق تنکری بردی بیله قزاق داستان آیدی بایطال بیله
آراهه¹⁰⁷ اوچ قوی نی آلدوق
باشقه نمرسه لارین آغانیز یوق دور دیب آیدی سونکره مذکور تنکری بردی بیله
داستان دیکان لارنی یولداشیمز
دیب آیتغانلاری دولت و قل مجد و آتش آرانلی دیکانلاردین سوراودوق شونده برکان
جواب لاری
20 بزلازغه تهمت تورور لیکن مال نی تولا دیسانکیز تولا رمیز دیب آیدیلار وینه
یولداشم دیکان اوراض مجد مخدوم
بیله قزاق خفر بای قاچیب دور حاضر تافیلهادی شول سبب لی بویون بولغان تنکری
بردی و قزاق داستان دیکان نی

[verso]

هم مذکورلارنی یولداشیم دیکان دولت و قل مجد و آتش آرانلی دیکانلارنی ابراهیم
یوزباشی بیله قوشوب

106 sic.

107 sic.

خدمت لاریغه پیاردوک بعده معلوم لاری بولسون کیم مذکور اوغری لاردین تتکری
 بردی دیکان اوچتورت یلدین
 بویان یمان اوغری بولوب هیچ تاپدورمای آریاقدہ قاجیب یورکان ایردی اتاسی هم
 مذکور تتکری بردی دین

25 بیزار تورور صاحب اختیار دورلار صوره واقعه شول تورور دیب اوشبو عریضه
 نامه

۲۵ لانی ماه صفر دا مرقوم بولدی ۱۳۳۵ لانی یلدا
 مهر: محمد نیاز بای ابن قاسم دیوان

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فضيلت نشان يساولباشى آقامز نى خدمتلا ريغه معروض بوكه
 عوضمرا ديكيب معلوم قيلدى اوزوم منغت بازار يغه ككنايم دا اويكا اوغورى
 توشوب آلتى مناتى كم بر مينك طلاليق كاغد مناتيم نى اوغورلاب دور ديب
 آقسقال كدخدالارى ديكيب جواب سورادى محلت برينك بر ايكي كون توفراق
 5 توکوروب كوراي ديب سونكرا يكلديلار توقوز يوز اوتوز منات نى توفراق
 بيله تاشلاديلار ديب سونكرا مذکور عوضمرا ديكيب مينيك كمانداريم ويس
 و خالمرا د و ايركين بابيلار ديب مذکور اوچ آدمدين تفتيش ايتب
 سورا شغائيز دا منكر بولديلار عوضمرا د من دولت آعلاغه بارور من
 بابلو خطى برينك ديب بوكوندين بش كون سونك يعنى ايمدى يكلور
 10 سه شنبه كوفى خدمت ينكر دا تاپيلماقچى بولديلار مذکور اوچ آدم غه
 يوسف صفاش اوغلى كفيل تورور صاحب اختيار ديب ۲ نچى جمادى
 الاولدا جمعه كوفى خط بتلدى ۱۳۳۵ نچى يلدا
 مهر: [※] يوزباشى ابن رحمت الله يساولباشى

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وزارت پناه و حکومت دستکاه یساول باشی اقامیزنینک خدمتلا ریغه معلوم
 بولسونکیم شه اباد موضعیداغی قم یافلی محمد مرادبای نینک قومیده تاجی نیاز
 دیکن نینک دوشنبه کچه سی یاریم اقشام وقتدیده اویکا بر نچه اوغریلار
 باریب مال اشیاءلاریدین بر جوفت¹⁰⁸ اوکوز و بر یابو و بر قوچقارلارنی
 5 و اوای اسبابلاریدین بر ینکی ایتوک و ینه بر کهنه ایتوک و ینه ایکی چفان
 و ایکی کیکز و آلتی قوشه رویمال و ناجارکویلاکی و بر آلاچه یلاک و بر قوچمه
 و اوچ قوزی تریمی و بر چای نیک و ایکی کاسه و بر باتمن توقوم باش
 و بر باتمن تاریخ و ینه یوز منات لیق کغاز اچمه مذکور بولغان نمرسه لارنی
 الیب خواتونی¹⁰⁹ و بر اوغلی نی اویکا سالیب اوستیدین الیب مذکور تاجی نیاز
 10 نی ایکی قولینی ارقه سیغه بغلاب یلکاسیدین چالیب کیتکان ایرکان لار دیب
 مذکور ایلات نی اقسقالی خبر برکان حالده قاضی ایشان لارنینک تلابی¹¹⁰ ییله
 بر ادم بیاریلیدی ایمدی مذکور آدم نینک کیتکان مال اشیاءلاری ییله
 اوزی نینک بولغان واقعه لارینی خدمتلا ریغه خط آتیب بیاریلیدی

[verso]

نی طریقه مهربان بولسه لار اوزلاری ییلور دیب ماه رجب نینک
 15 یکرمه یی لانچی کونی یردی خط
 بتلدی ۱۳۳۹

مهر: محمد صفا آتالیق ابن عبدالله آتالیق ۱۳۳۵

108 Textual variation of جفت.

109 Textual variation of خاتون.

110 Textual variation of طلب.

Document 59

هو العزيز

وزارت پناه حكومت دستگاه يساول باشى آقاميزنى جنابلاريغه عرضمىز بوكيم
 دعاكويىنكىز مسافر خانه ده استقامت قىليب دعائى خيرينكرنى تىلاب خوارزم
 شاه عليه الرحمه كا باريب دام دولته نينك حق لاريغه دعائى خير ايتب
 5 مريدلار بيرلان صدقه بيرماك اوچون باريب ايردوك صدقه نى بيريب
 خفتن دين سونك قايتيب كيلىب قوشومىز غه يكساك يازيان درچه ميز نى
 بير آدم ديشانغه چيقسه زلف نى بوزوب دورغان ايركان كيمسين ديكان
 دين قاجيب كيتكان ايكان تانيبسه نظام ايكان پچاقى قاليب
 ايركان آقسقال باباغه باريب معلوم ايتب قوشومىز غه كيلىب اولتورساق
 10 بير ايكي آقا اينى سى بيرلان آتاسى اورونك ديب بويوروب اوچ تورت آدميزنى
 اوزمىز نى اوروب كوب حقارت بيريب حريت ديب اوروب ينه بير
 باله سى مانكللاى نى زلف غه اوروب قايتب بيرلار نى اوستومىزدن
 عرض غه باريب باراب دى مذكور بولغان حادثه شول تورور
 مهر: عبدالله سالم

Document 6o

عزت‌تاب مالا اکتساب یساول باشی اقامیزنینک معلوم لاری بولغایم طمه لی آدینه
 مراد دیکان جمعه نیاز و محمد یعقوب بای
 دیکان لارغه بلتورغی پلي بر مینک ایکیوز کلتہ قامیش حتی بار دیب یکر مه توقوز
 طلا الیب دعواسنی اوتیب
 خط بریب ایرکان و ینه برادرلاری خدای بردی و محمد شریف دیکانلارغه اتی کولته
 بیده حتی بار
 دیب اون بیش طلا الیب خط بریب ایرکان ایمدی بو یل ینه شول لارنینک ینه بر
 برادری
 باباجان دیکان غه اون بر یاریم باتمن شالیم بار دیب دعوی قلیب قاضی ایشانلارنینک
 حضورلارینه الیب باردی مذکور ایشانلارنینک حضورلاریده ۲ نچی آدینه مراد
 اوزی نینک
 ایلاتی نینک نایب اقسقال کدخدالاری جمع بولوب آدینه مراد مذکور اوزی ناحق
 توتغوجی
 دعوی قاق تورور دیب اقرار بولوب اخبار قلدیلا ر قلندر نایب و باباجان بای و
 درییک
 بابانیز سید و باباجان بای و مدعا علیه جمعه نیاز و باباجان لارنینک ایلاتی
 دعواسنی ناحق دیب
 اخبار قیلغان لار بغت لی سید محمد اقا و رحمان بردی اقسقال وتازه بای و یعقوب
 بای دیکانلار
 تورورلار آندین سونکره مذکور خط لارنی کوروب و هم مذکور ادم لار بر نجه دفعه
 قسم ایتدی
 دیب خبر برکانلاری وجهدین ایشان لار مرافعه سنی سورامادیلار ایمدی اوزلاری
 پیلورلار
 دیب عریضه نامه بتلدی ۱۳۳۵
 مهر: شاه مراد بای ابن دولت مراد بای

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وزارت پناه و نجات دستکاه عزت نشان یساول باشی آقاغه
اعلام اوکم آریاقلی آغه جان ایشانمیز بزدین التماس¹¹¹ قیلدیلار
کم فتنک بيله درغان آتا علیه الرحمه اورتا لیق داغی آریاقلی آتالارنی
دعوا جنجل لاری اوچون بر قاضی بولسه دیب شولوجه دین
مذکور آریاقلی آتالاردین ملا نجم دیکان غه حضرتیز بيله
قاضی کلان ایشانمیزنینک خدمتلا ریغه معلوم ایتب یارلیق
بيله مهر آلیب برسون لار ایشانمیزنینک التماس¹¹²
ایتکان سبیلی دیب ۴۱ نچی ماه ذو القعدة اینده یکشنبه
کونی ۱۳۳۷ خط بتلدی
مهر: محمد قربان سردار ابن حاجی بای ۱۳۳۷

111 Textual variation of التماس.

112 sic.

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قیلیچ بابلی خالنیاز یوزباشی و صفر محمد نوکارلار نینک حمزه قزاق بیله دعوا
 لاری حقییدا حضرتمز دام دولته نینک درگاه عالی لاریده صاف
 بولماقچی بولوب مدة اوچ کون وعده قیلب هر قایسی سی مذکور اوچ
 کونده درگاه عالم پناه لاریغه باریب تافیلهاسه بارغان آدم
 معلوم قیلیب یساؤل آلسه قالغان آدم یساؤل حقین برسون 5
 دیب وعده قیلدی لار دیب ماه رمضان نینک ۸ نچی جمعه کونی اوشبو
 خط مذکور خالنیاز یوزباشی لارغه بریلدی
 دیب ۱۳۳۲ بتلدی
 مهر: محمد لطیف خواجه ابن عبد الکریم جواجه ۱۳۳۱

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چپان بای قزاق بيله قيلچ ويكل ديكان قزاداشلي نينك برتيوه اولكان
 دراکلي دعواسی حقیدا [*]¹¹³ نينک درکاه عالی لاریده باریب صافلاشماقچی
 بولوب مدّة بیش کون وعده قيليب مذکور بیش کونده درکاه عالم
 پناه دا تافيلهاتچی بولدی لار هر قايسى سی مذکور مدّتی کونده باریب
 درکاه عالم پناه لاریده تافيلهاسه بارغان آدم یساوول آلسه بارمای 5
 قالغان آدم یساوول حقین برسون دیب حضوریمیزده وعده قیلدیلار
 دیب ماه ربیع الثانی نینک ۲۴نجی دوشنبه کونی اوشبو بایلو خطی
 قيلچ ويكل غه بریلدی معلوم بولغایديب ۱۳۳۲
 مهر: محمد لطيف خواجه ابن عبد الکريم خواجه ۱۳۳۱

113 Invocation has been missed.

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هو العفو

- حضرت امين السلطنة و ركن الدولة محب علما
 و مشفق فقرا و غرباينيك دربار فلک مدارلاريغه يوز مينک دعا
 و آلقيشدين سونکره معلوم ضمير آفتاب تنويرلاری بولغايمک خدمت لاريغه
 5 معروضه بولغان ماما جان يیکه نينک ایری نينک اولکانيغا آلتی آی بولدی ديب
 ملا ایر نیاز و جکان صوفي و محمد نیاز میراب و رزاق بيردی مخدوم و عبادالله محرم
 و بابا جان چرچی و محمد نیاز بای و داغی مونداغ آدم لار اقرار بولديلار
 و بولارننیک آيتغانلارینی باور قيلماين نکاح قيلهادوق سيد رضا خواجه ايشان
 شول خاتون نينک عده سی اوتکانه بيز هم شاهدميز تيديلار آندين
 10 سونکره اوزوميز مباشر بولوب حملين و عده سين سوراشيب تحقيقات
 آنت بيريب پهلوان نیازغه عقد قيليب بيردوک تورت آی مونده
 اولتوروب اورکالج غه بارغان ایرکان آنينک رئيسلاری هم اويلانيب سين
 ديب زوردين قولیغه خط بيريب نکاحانه آلب دورلار دعاکويلاری نکاح
 قيلغاندا مذکور بولغان آدم لار هم حاضر بولوب آلارننیک سوز
 15 لاری بيله نکاح قيليب ایردوک يارکان محرم لاريغه بيزنی هم چارلادی
 لارمو دیکانميزده يوق تیدی شول وجهدين خدمت لاريغه
 يوز اورماين بيان واقع نی قلم تيلي بيله بيان قيليندی يوق
 ایرسا دعاکويلاريغه مونداغ بی ادب
 ليکغه قلم اورماقغه نی حد و نی پارا
 20 بولغای السلام عليکم
 و داغی محمد رضائينک بيرکان
 کاغذی صاف بولدی
 دعاکويلاری صحرادين
 کتابلاريغه مناسب
 25 کاغذ تاپمادی

يکرمه دسته مقداری

کاغذ کرم قیلسالار

اوزلاری ییلورلار

و یا هر نچوک کاغذ

تاپسا یازه بیرسون 30

دیرلارمو اکر کاغذ

بیر یلسا عبا {د} الله محرم

دعا کویلا ریغه

قریب راق اولتوروب

دور تقصیر 35

تقصیر تقصیر

مهر: قاضی و رئیس محمود ابن داملا مجد کریم

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قُضَاةٔ اسلام و حکام زوی الاحترام نینک معلوم لاری بولسونکیم
 تاجی نیاز دیکان برّاز من بازار باشیده بر آدم نینک بیکار تورغان
 دوکانیغه مالیم نی توشوروب اولتوروب ایردیم خدای برکان دیکان
 برله شفیع بابا دیکان سین بودوکاندین تور دیب منی بیوجه
 5 شرعی اوروب بر تشیم نی سیندوردیلار وینه بر تشیم نی توشکودیک
 وینه ایکی تیشیم نی بیجا قیلدیلار دیب بر تیشی قولیده و اوچ تیشی
 اغزیده تبرائیب تورغان کیلیب عرض قیلدی و خدای برکان
 برله شفیع بابا اورغان لاریغه انکار قیلدیلار و الارنینک اورغان
 لارین اوچ تورت آدم کیلیب اخبار قیلدیلار و دیگر خدای برکان
 10 مذکور برله شفیع بابای مذکور تیشلاری چیقغاندین سونکره بیش طلا
 بیرورمیز دعوانک نی قوی دیب صلح قیلماقچی هم بولوب تورور
 لار دیب صورت واقعه عرض قیلندی ایمدی اوزلاری صاحب اختیار
 تورورلار دیب ۷ ماه شعبانده خط بتلدی ۱۲۶۷
 مهر: قاضی و رئیس عبد الغفور [※]

Document 66

نیابت پناه حکومت دستکاه دقیقه شناس رمزرس فلاطون اساس
 توره میزنینک جناب کیما تأثیر لاریغه یوز منک دعا اداسیدین سونک
 عرض بوکیم مؤمن خواجه برله اغالاری نینک اوغول لاری
 استانه دا بزنینک اللیده مزده¹¹⁴ کیلیب مرافعه غه اولتوردیلار
 هر قایسی لاری بر خط چیقاردیلار مؤمن خواجه غه اناسی 5
 مُلکیم دیب خط برکان ایرکان و بولارغه بابالاری مُلک منیک کی
 دیب خط برکان ایرکان و بولار آیتورلار یرلارنی بابامیز اوز
 ملکی ایکیب بزلا رکا خط بریب ایردی دیرلار ایننک اوچون بولارنی
 کواه غه سالیب ایردوک بولار کواه لارین الیب یکسالار مؤمن خواجه
 شهرغه کیکیب تور دیب خبر تاپدیلار بیزنینک اللیده مزده¹¹⁵ بولغان 10
 صورت واقعه شول تورور ینه اوزلار صاحب اختیار
 تورورلا¹¹⁶ باقی السلام علیکم و علی من تبع الهدی التقصیر التقصیر
 و ینه کوب آدم لار ایتورلار یر امین خواجه نینک
 ملکی تورور
 مهر: قاضی شرع شریف استاد کریم عصر و حشیم از حد زیاد

114 Clearly: آلدیمیزکه.

115 sic.

116 تورورلار.

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بجناب عالی حضرت ارکان دولت رفیع منزلت ستوده خصلت فریشته طینت عمده
الامدی

زبدۃ الکبریٰ معین الفقرا ظهر الضعفا مروج دین احمدی حامی شریعت مصطفوی
باعث الامن و الامان

توره بیک میزنینک خدمت لاریغه بودعاکوی قدیم الخدمت لارنینک بصد هزار
عجز

انکسار یوزیدین عرض اخلاص لاری بوکیم بورینجق دوردی دیکانکه نشانه
5 مهربان بولوب ایرکان سیز دوردی مذکور بیله محمد نفس و محمد قیلچ نینک دعوالارینی
ایکی طرف نینک کدخدالارینی جمع ایتیب اوز دستورلاری برله صاف لش
تورسونلار

دیب بجان دل قبول قیلد دوردی مذکور دین محمد نفس و محمد قیلچ مذکورلارغه
خط یاردیک محمد نفس مذکور کلدی و محمد قیلچ مذکور کلهادی بلکه این¹¹⁷ و
حقارت

بروب تور دیب ایشتدوک ایمدی سیز صاحب اختیار تورورسیز تقصیر

10 تقصیر تقصیر

مهر: قاضی جان محمد ابن ملا محمد دوردی

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خليفه السلطان الاعظم و نايب الخانان المحترم مُحَبِّ العلماء مشفق الفقهاء غه
 عرضيميز بوكم داملا رحمت الله جمعه كوني نماز جمعه دين اول يكب آيتدى عبد الرحمن
 ديكان وقف نينك غله سى اوچون بارغانده بيزنى اوردى و اينسى سوكدى اندين
 سونك كيشى بيردوك اينسين آيب يكلدى مرافعه قيلديلار اينيسى منكر بولدى اندين
 سونك بر بولاك جماعه شاهد بولديلار سوكنى راست ديب اندين سونك تعزير
 5 قيلدوق

آلتى تعزير اورغانده ملا مذكور نينك اوزى تيلاب آلدى اندين سونك خفتن وقتيده
 عبد الرحمن مذكور حاضر بولدى ملا مذكور بيلان مرافعه قيلجق بولوب بز آيتدوق
 ايرتك

يكلونك ديب شنبه كوني ايرتك نماز وقتيده عبد الرحمن مذكور يكلدى اقشام قايتب
 بارياتورده ملا مذكور قرينداشلا ريدين اوچ كيشى بزنى اولتورجك بولديلار
 بازارچيلار

قول لاريدين يازدوروب اليب يبارديلار توره حضريتميزغه عرضيميز بار ديدى بز
 10 ايتدوق

حقارت دعواسى صافلا شسون اندين سونك كيتارسز ديدوك ملا مذكور يكلكانجه
 توقف

قيلسون ملا مذكور يكلمس دين بورون سركا عرض
 قيلق اوچون كيب تورور ديب عريضه نامه بتلدى

مهر: قاضى [※]

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حضرتیز دام دولته [*]

حضرت خلیفه الرحمان ظل السبحان اسکندر نشان قیصر پاسبان
 باعث الامن والامان [*] نینک استان عالی لاریغه یوز منک دعاء
 والقیش اداسیدین سونک عرض بوکیم فتنک کدخدالاری
 5 نی یکتوروب سوراشدوق آلا رایتورلار سونک
 ضعیفم بیله کوردوم دیکانی یلغان سوز تورور
 اما اوزی محروم میراث ایرکان انی اولتوروب
 ملکی کا ایکا بولماچی ایرکان وینه شول اولکان نینک
 صغیرلاری نینک قولیدین خط لارین هم باسیب الیب
 10 ایرمیش شول واقعه لارنی سوراشیب جنابلاریغه
 یباریب ایردوک کدخدالاری هم اولکانین یحشی
 راق کورارلارینه اوزلاری صاحب اختیار تورور
 لار باقی الهی ایام بکام دولت مستدام بولسون
 مهر: [※]

Document 70

توره بیکیمز نیک جناب عالیا ریغه عرضلا ریمز بو کم قره توفه لی
 فقر آلا رخذ متیکرغه عرض ایتکان ایرکان لار بز نیک
 اوستی میز کارب طایفه سی قوتلی مراد دیکان آدمی
 یساول دیب یکتوروب عبد الرحیم صوفی دیکان
 5 آدمی کوب اوروب مجروح ایتدی شول ضرب سبیلی
 صوفی مذکور اولدی وینه سزمهر بان بولغان ایرکان سز
 بود عاکوی لارغه بز نیک آدمیز برلا و برنجه کد خدا لاریله
 اولکان آدمی کورونکلا ر دیب بود عاکویلا رشول
 موضع کد خدا لاری برلا اولوکنی کوردی ارقه سیده
 10 کوک بار ایرکان بود عاکویلا رغه معلوم بولغان
 شونجالی تورور ایددی اوزلاری صاحب اختیار
 تورور واضح باد السلام السلام السلام علیکم
 مهر: قاضی و رئیس عمرخواجه [※]
 مهر: قاضی رحمان بردی [※]

Document 71

دعای سلام بلا نهایه و بلا غایه زاده عمره و مسنده توره بیکمرکه بعده مخفی قالماسون
بوپورغان

امرلارین مهمامکن (?) قولیمیز دین یککانچه قیلدوق شول میت نینک بری آق سقال لیق
توروروقل چماق تورور شول آق سقال نینک ایککی کونه¹¹⁸ تونی هم بارتورورینه هم قزاق
برچکان هم بارتورورورینه برکونه¹¹⁹ خقاق و برکونه¹²⁰ ایدوکی هم بارتورورورینه بری بی
سقال

یکیت تورور اوچ تونی بار بری قیزیل وینه بری آق بالقی وینه برکهنه تونی بارتورور 5
وینه بر آق بالقی تقیه سی بارتورورور وینه هم برکوک شفرمه سی هم بارتورور شول ایککی میت
نینک یاتغان یرلاری خان حضرت میز نینک یرلاری تورورور وینه شول میت لار نینک
یاتغان

یرلاری راه عامه تورور اطراف لارینده قان هم یوق تورورور وینه میانه میت مذکور
ومیانه اهل منکغیت تخمینا کرمه طناب یرتورورور وینه کارنده نینک کت خدا لاری
وقبچاق نینک کت خدا لاری وار باچی نینک کت خدا لاری و منکغیت نینک کت 10
خدا لاری همه لاری یکلب دفن قیلدوق وینه قبچاق عمل دارلاری آگاه ایرماس
ایرکان وینه کارنده لار قاضی سیغه خبر برکان ایرکان وینه منکغیت کت خدا لاری
هم ایشیت کان ایرماس ایرکان

مهر: [※]

118 Textual variation of کونه .

119 sic.

120 sic.

Document 72

حضرتیمز دام دولته [*]

خلیغه الرحمن ظل السبحان [*] نینک استان فلک مدارلاریغه تومان منک
دعاء ارسالیدین سونک عرض بوکیم خاصه بوینده بر آدم اوز ضعیفه

سینی اورب اولتوروب حضرت شاه بابانینک

مزاراتی نینک بر طرفیغه یکتوروب تاشلابدور کدخدا 5

لارنی جمع ایتیب سوراشدوق کدخدا آیدیلار اوز

یکای اولتوروب تاشلابدور اندین سونک شول

یکو بولغوچی نی قینادوق اقرار ایتدی اوزیم اولتوروب

ایلتیب تاشلادیم دیدی حتی کدخدالاری هم ایتورلار

بول بدبخت زیاده یمان توروراکر بول حادثه دین 10

قوتولوب چیقسه بزلا ر همه میزنی کوچورور دیرلار

ینه اوزلاری صاحب اختیار تورور دیب عرضه داشت ایتلدی

باقی ایام بکام دولت مستدام بولغای آمین و رب العالمین

و ینه عرض

بوکیم اولکان 15

ضعیفه نینک هیچ

خوسداری و

کیشی سی هم یوق

ایرکان اصلاً

مهر: [※]

Document 73

عریضه داشت اداسیدین سونکره حضرت توره بیکمیزنینک
خدمت عالی لاریغه عرض لاریمیز بوکم شهری بیکه نینک اوغلی عظیم بای نینک
اولوکی کوروب

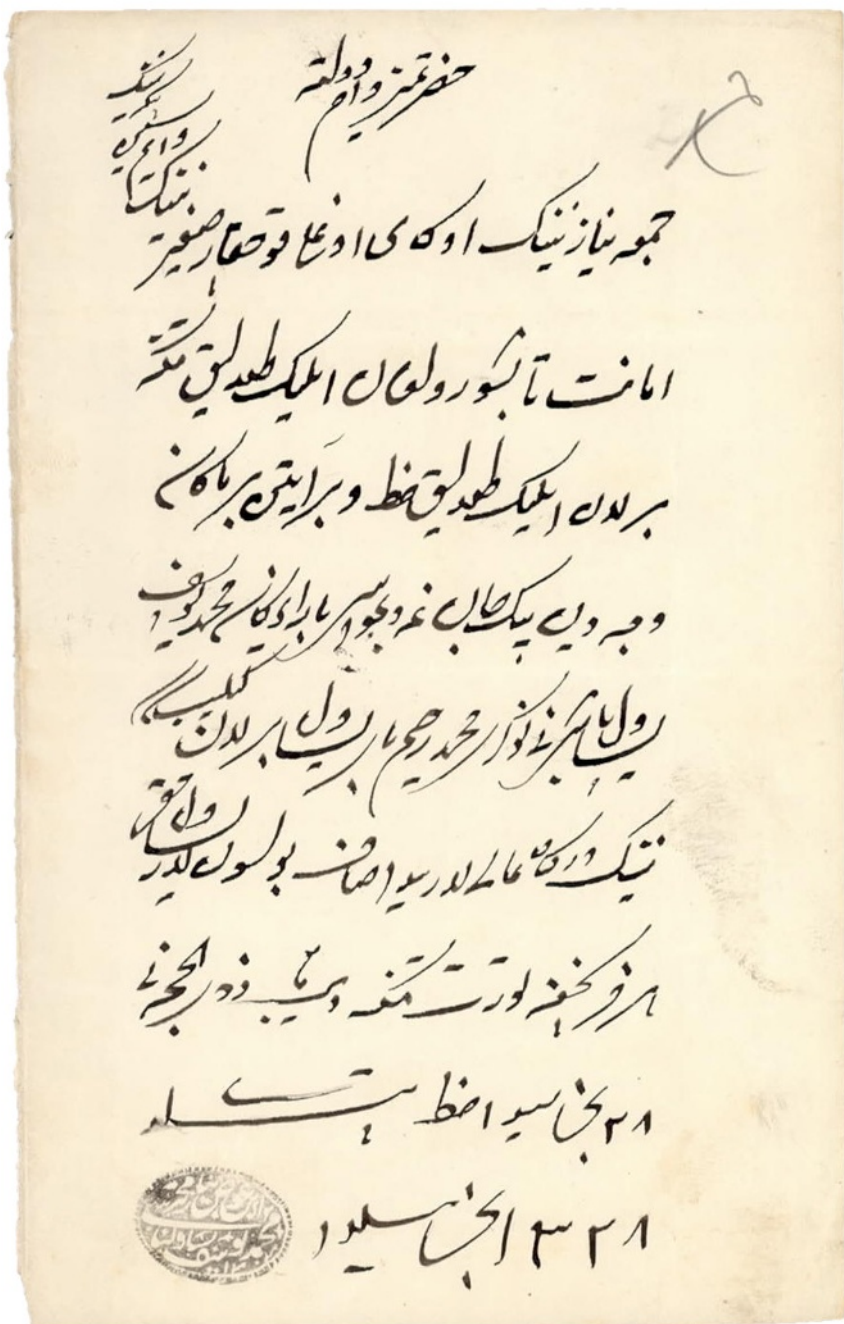
هر نه اعضاسیده جراح و داغ و نشانه سی بولسه کوروب جنازه سین
اوقوب دفن قیلدوروب کورکاندیک یساول برله خط قیلیب یارسونلار دیب
5 امر عالی لاری بولوب ایرکان بو امرنینک امثالی اوچون اولوک نینک
اوستیکا یساول برله باریب اولوغ و کیچیک لارین جمع ایتیپ اولوک نی
یلانغاچلات توروب کوردوک اغزی و بورنیدین قان کیتکان
و کوکرایدین تا کیندیک نینک اشاقیغاچه کوک و قولتوق نینک تکیده
هم کوکی بار ایرکان و سینغان و بوزیلغان و جراح بولغان
10 یری یوق و بزلا رکانه وجهیدین کوک بولغانی معلوم ایرماس
و ینه عرض بوکم بو حادثه دین برار آی بولدی شهری بیکه نینک دعوی
کرلار برکهنه تون و بر پچاق توزوکی الیب یکلدیلار اقشام اوچاکده
عظیم بای دیکان نی توتدوق بزلا رنینک قولومیزدین
قاجیب کیتدی یماق و توزوکی الیب قالدوق دیب
15 کیلیب ایردیلا ر صورت واقعه بو ایردی
عرض قیلندی ایمدی اوزلاری
صاحب اختیار تورورلار
التقصیر التقصیر التقصیر

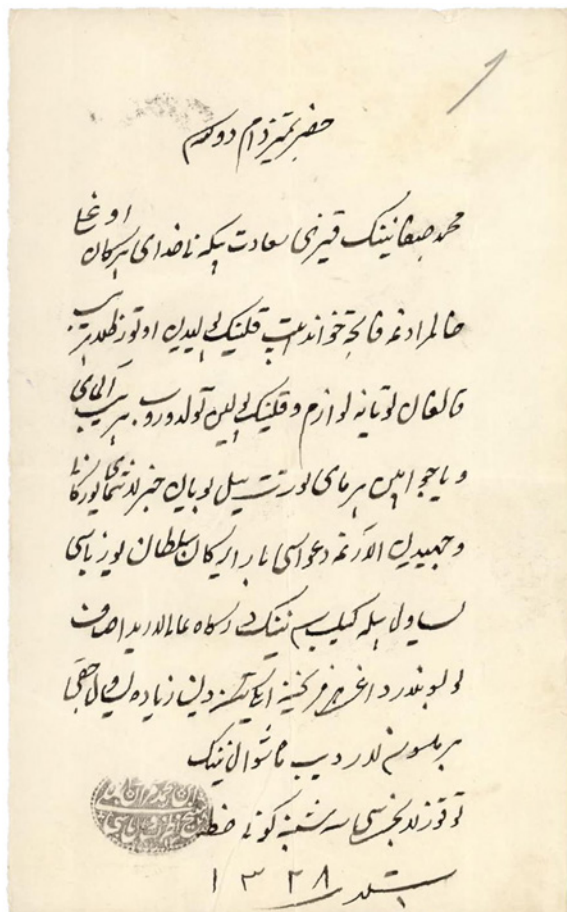
مهر: [※]

Facsimiles



Section One






DOCUMENT 2A TsGARUz, I-125, op. 2, d. 633, l. 1

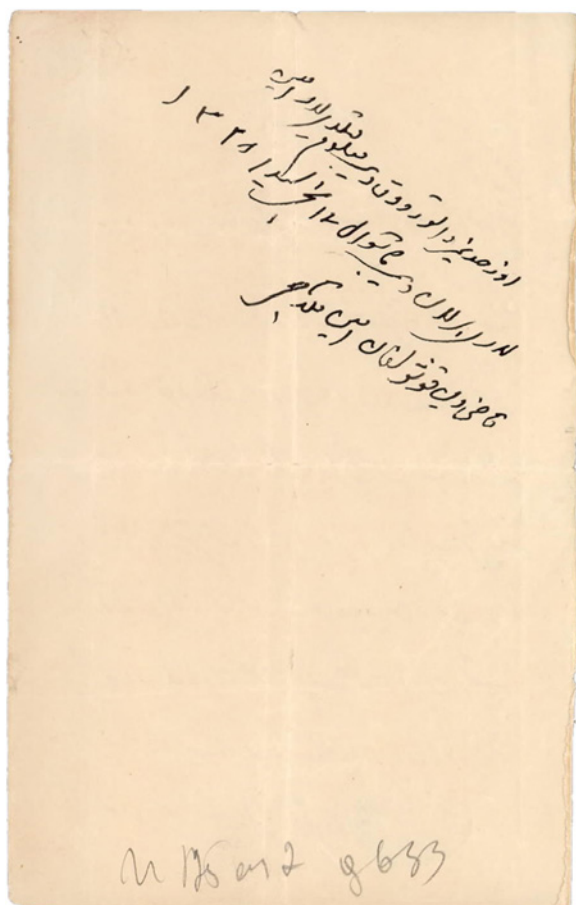
240

خیر و دوم لسته

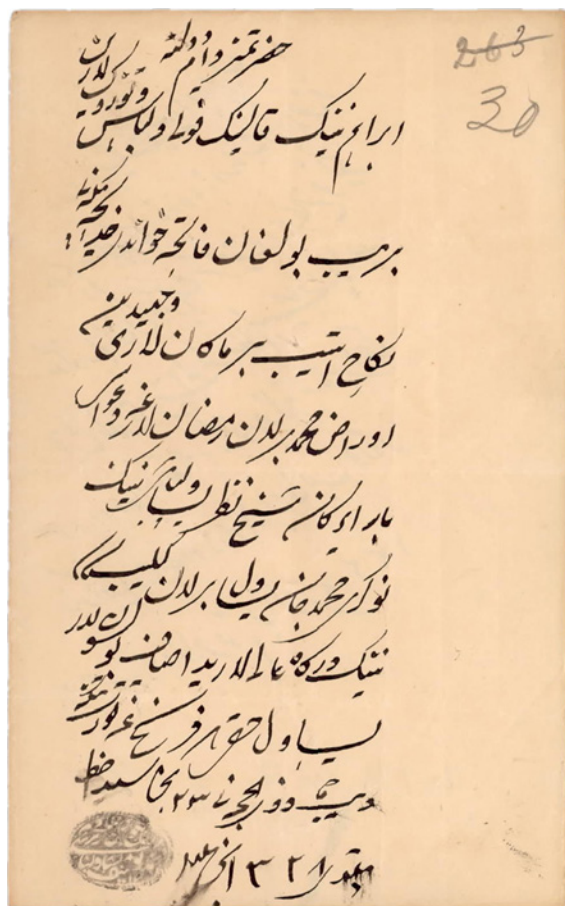
موج شریعت نبوی قاضی کرات نیر نیک معلوم لاری
 قوش و ذوق ساطع از نیک کشیده و بی یاریم طناب ری
 عبد الرحیم محرم نیک بر سر لاری و عوالم لوب غرض لاری
 محو یوسف و لبانی نیک لوزی حسن لاری لاری نیک
 مانع بر معتبر این رسول اکرم مذکور این ماری لاری نیک
 تولد غر خط لاری کور و عوالم لاری لاری نیر لاری
 صد و در لاری معلوم لاری لاری لاری لاری لاری
 هر یک و یک لاری لاری لاری لاری لاری لاری لاری
 سالا بنید ۱۳۲۱ لاری لاری لاری لاری لاری لاری لاری



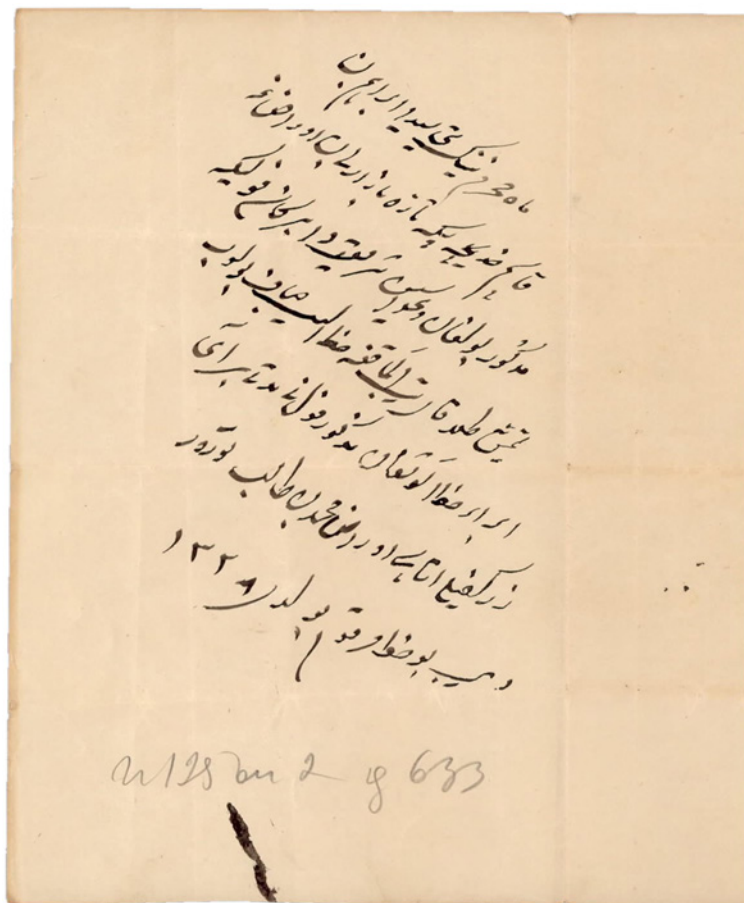
DOCUMENT 3A TsGARUz, I-125, op. 2, d. 633, l. 24



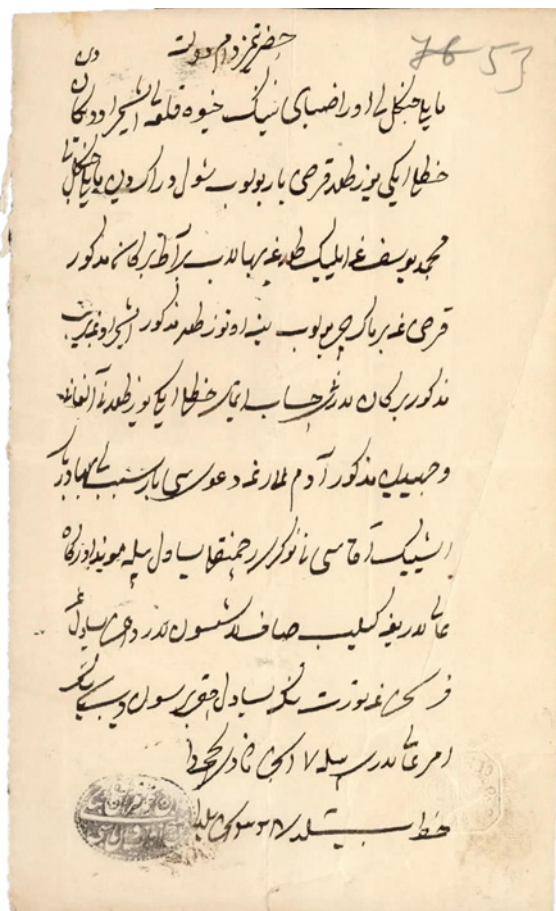
DOCUMENT 3B TsGARUz, I-125, op. 2, d. 633, l. 24 ob



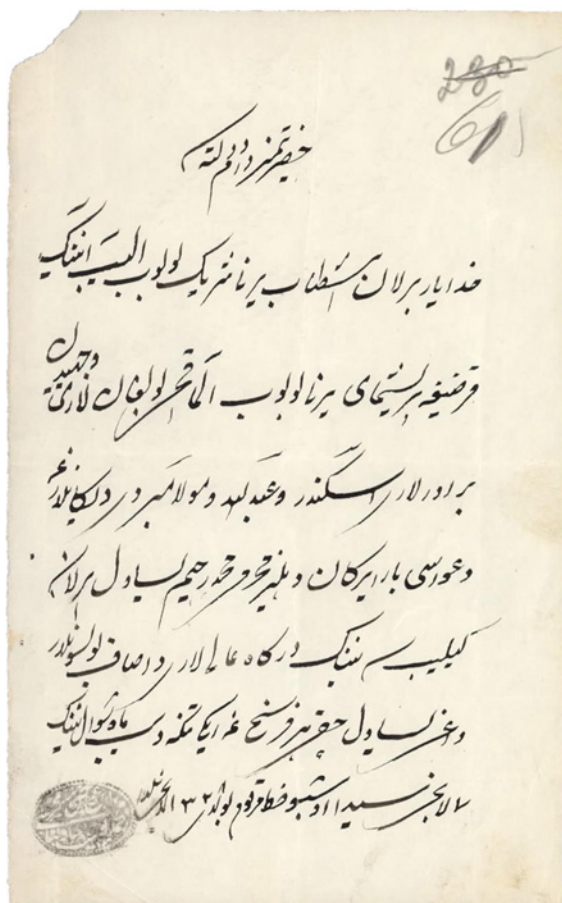
DOCUMENT 4A TsGARUz, I-125, op. 2, d. 633, l. 30



DOCUMENT 4B TsGARUz, I-125, op. 2, d. 633, l. 30 ob



DOCUMENT 5A TsGARUz, I-125, op. 2, d. 633, l. 53




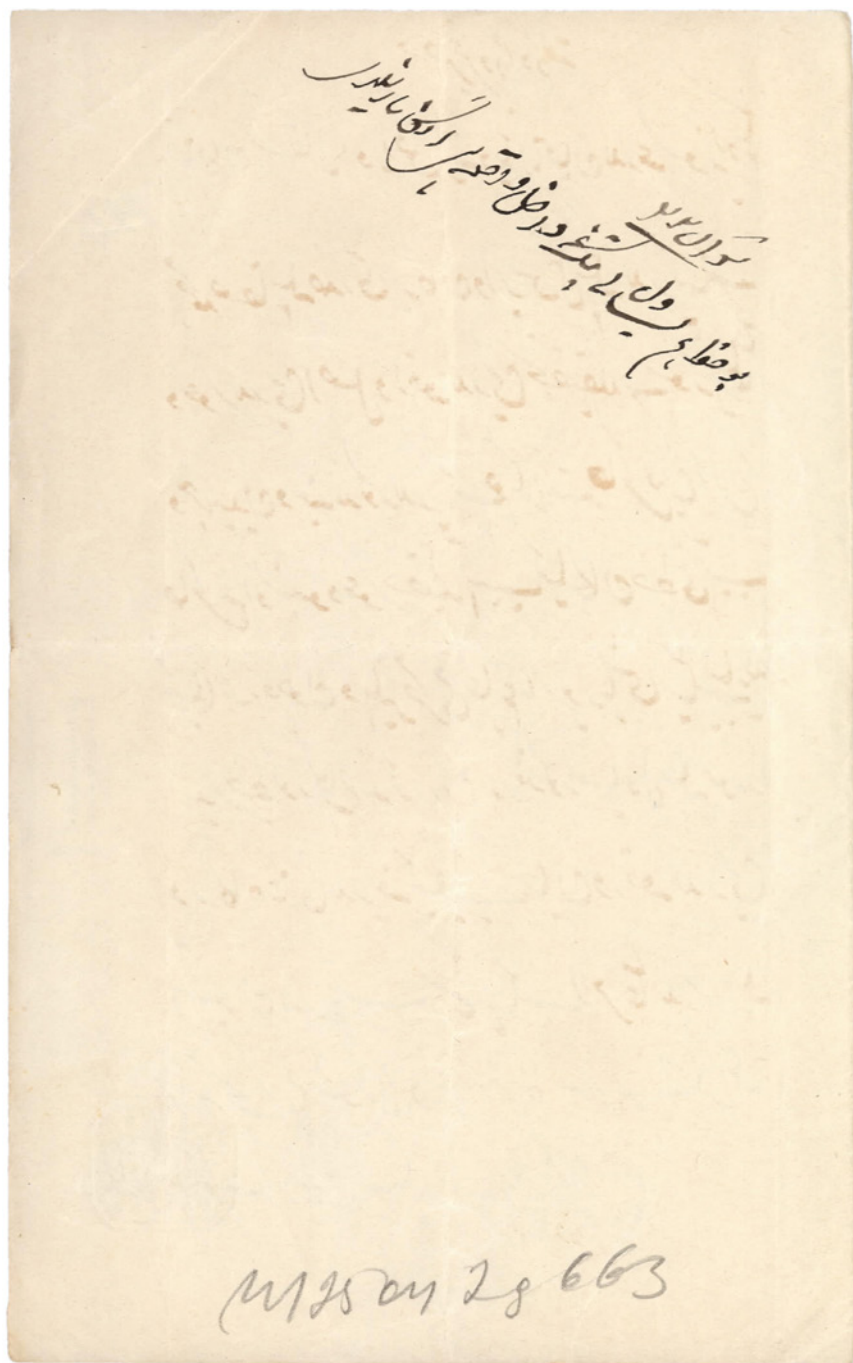
DOCUMENT 6A TsGARUz, I-125, op. 2, d. 633, l. 61

83

حضرت نیر درام دولت

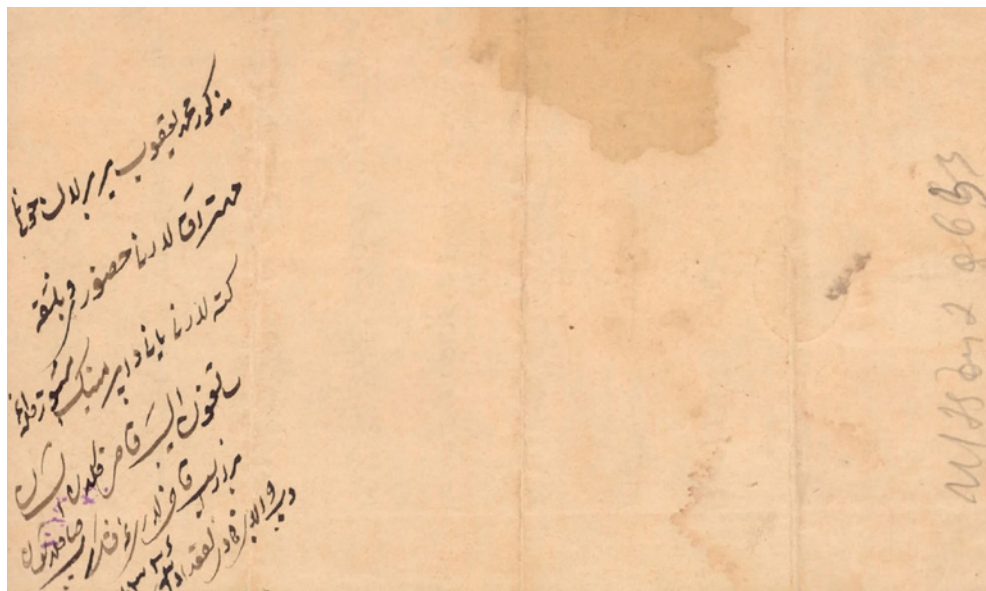
آنها جان قسقال اوراضینه دیگر آه جان لدرغ سوزادیم
 محمد صفایه خدای برکان و ابرس کل یک لدر نسک
 دعور لدر پی اصل واقو لدر پی خفیه قلد سوزا
 وجهیدین و بنه ندکور لدر نسک قنکرات جا کورین اورخ
 جا کورغ او شبود عور حقیقه لب کیلکان خطانی لب
 کیلکان لور و حون و ملیر حرمی عالم بار نوز باشی سیک سارید
 امید خط کور کج ندکور آدم لدر ندکور سادل په موند
 درگاه عالی لدر غه کبلیب باین واقو لدر پی
 استون لدر دیب سیک امزما لدر پی
 ۷ اکی مائل در خط سیک
 ۸ سوزا کی سیدا



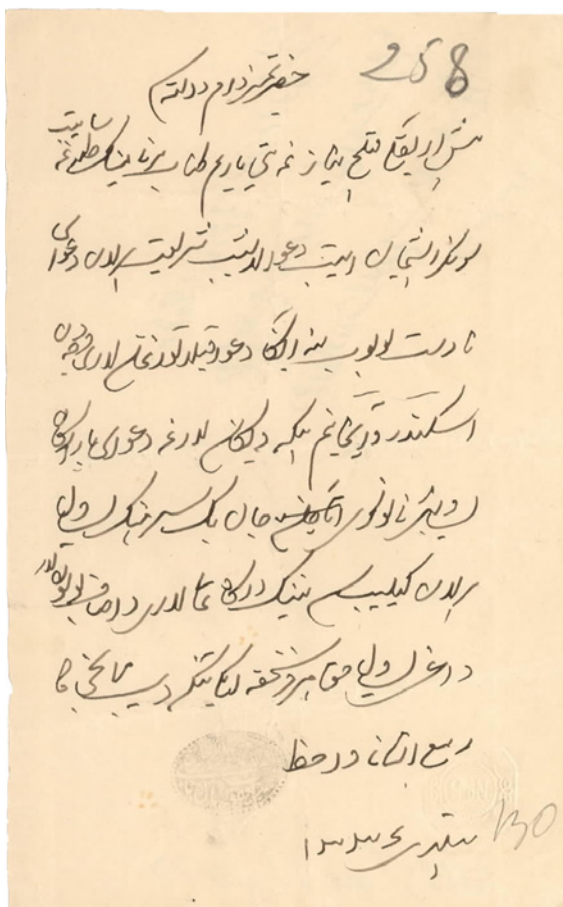


DOCUMENT 7B TsGARUz, I-125, op. 2, d. 633, l. 83 ob

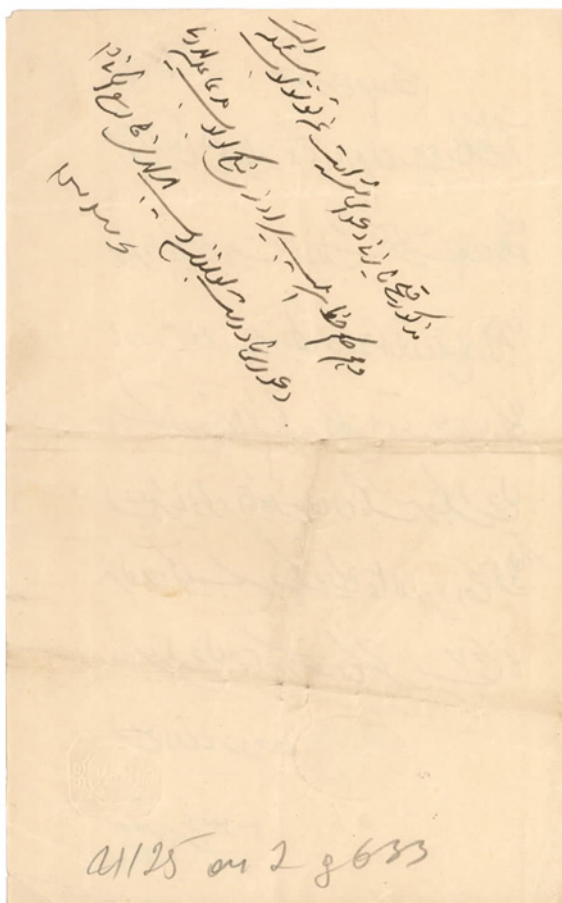
حضرت نذیر ام دولته
 سرش امام محمد یعقوب فاین آتاسی ایش نیاز اولوب ندین تحمیناً اوچه یاریم
 وهر جولایب آتاقوز لاری اوچون ساتیلیب شل برن اوزی ایک یوزلده
 زیاده پریب لاقچر بولغانیدا پرهای مذکور متوفان ورته لاری نارضاکان
 وجه دین محمد رحیم دیکان غه دعوی باریرکان یساول بشی مذکوری
 خواجه نیازده باشی بول پرلان کیلیب کمینک درگاه عالی لاری
 صاف بولسون دایغی بول حق اوچون هر فرسخی
 ایک تنگه دین زیاده پرماسون دیب ماه ذی القعدة سال ۱۲۸۱
 خط بیلدی
 ۶ ۳ ۳ ۱۲۸۱



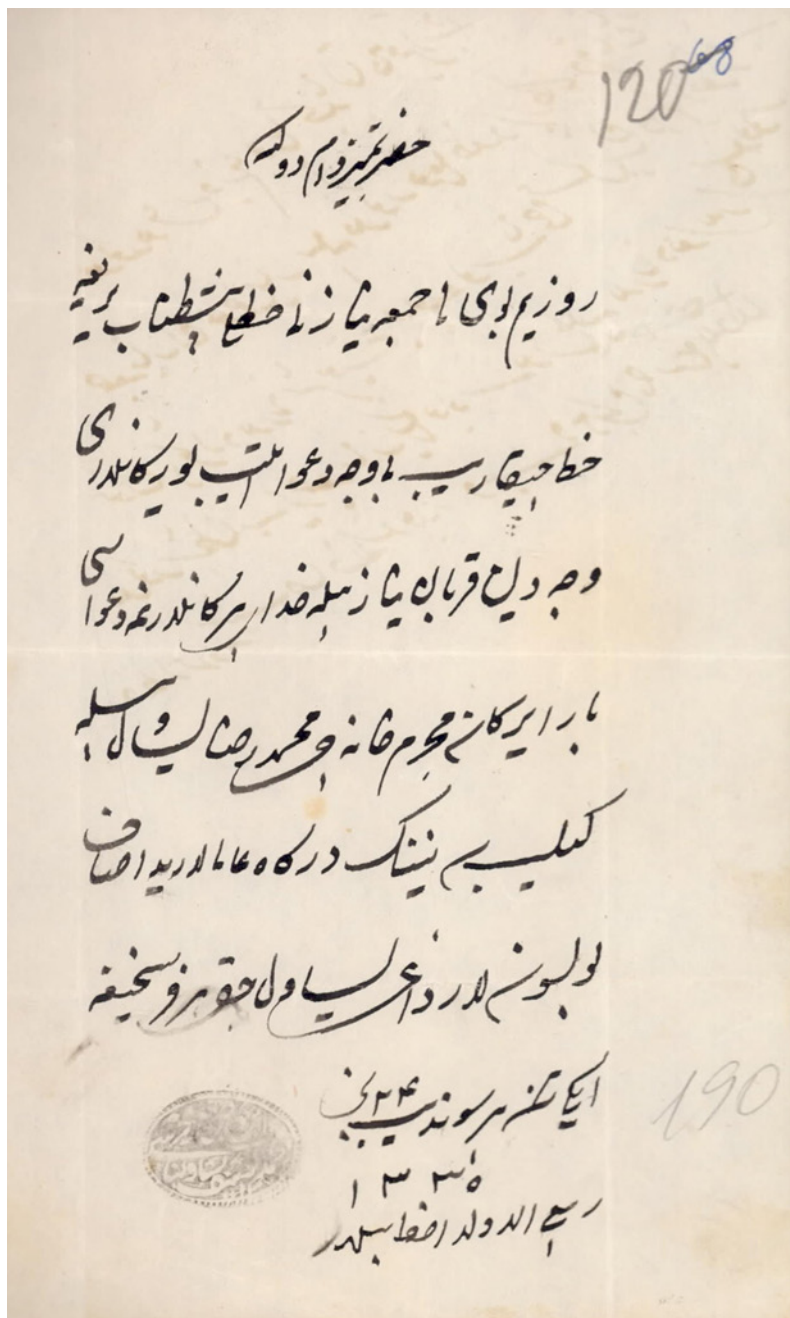
DOCUMENT 8B TsGARUz, I-125, op. 2, d. 633, l. 114 ob



DOCUMENT 9A TsGARUz, I-125, op. 2, d. 633, l. 130



DOCUMENT 9B TsGARUz, I-125, op. 2, d. 633, l. 130 ob



DOCUMENT 10A TsGARUz, I-125, op. 2, d. 633, l. 190

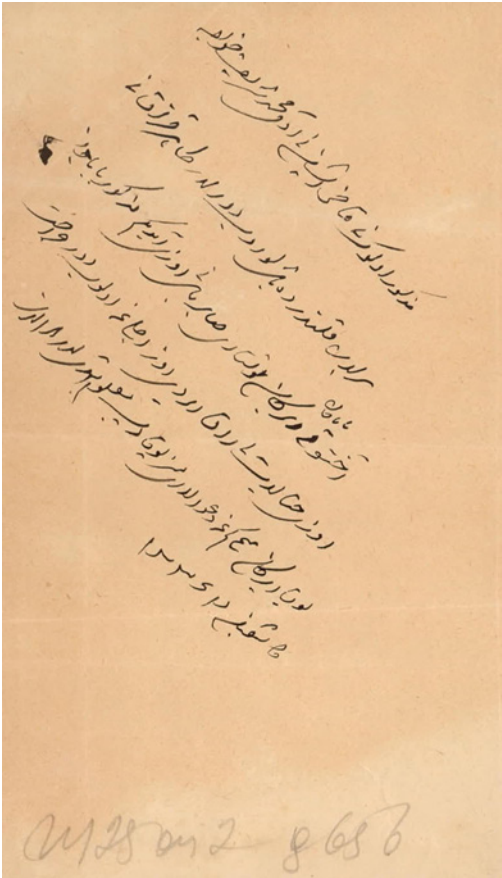
مذکور است در این کتاب که در این
 عهد بنابرین معوضان سله مذکور قضا صدر الکافه در این
 بنون که در در این سعه بنوعی بود و در این سعه
 مذکور است که در این سعه بنوعی بود و در این سعه
 قضا در این سعه بنوعی بود و در این سعه

m/ks m 2 8633

DOCUMENT 10B TsGARUz, I-125, op. 2, d. 633, l. 190 ob

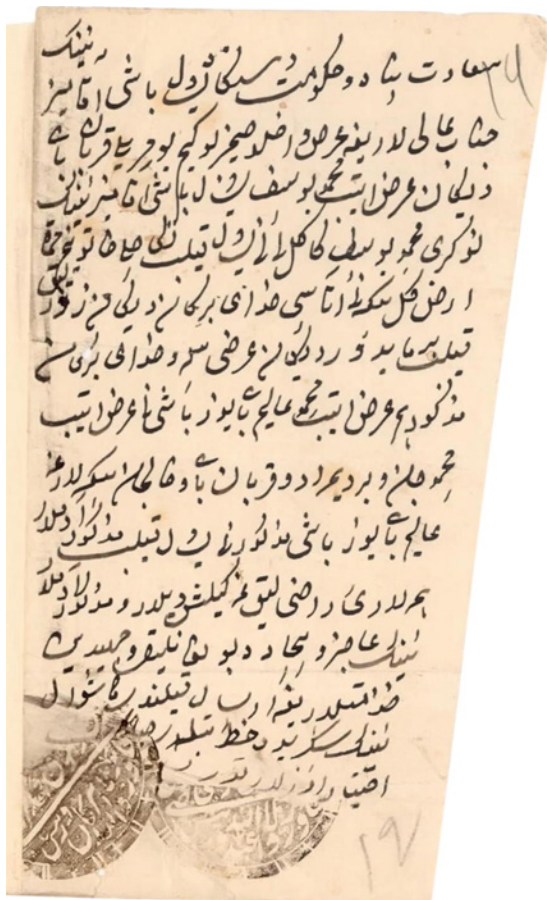
حضرت نیر درم دولت 358
 شریف شعار دیانت آثار قاضی ابی نیر خدا اعلم اولیم
 کند و لک ناز در محمد اقبال و جود بان در عرض قیام بدیم
 چرخ کویان لید مسجد و قضا ابی نیر یکیت مددنا بود
 دور در ادو که مایه در بیست سال سبب بر بقر آدم بدین
 اب و ابی نیر نکر قلند و ابی نیر با خفته شونند کیم کرد
 همراه با رب ند کوز اقبال که خدا در ری پله ند کور
 ادو که نا جسد در ری احیای طبیب کور دب نا طرقتا
 ادو که دب در در نود در نا دقت دب بلیب خط
 ایتب دخی ایتلی که نمد جواب بر رب و زخمه سی
 موند در بار نا دینف کیت لیتون در دب سبک
 امر نا در سبک ۱۲ (کجی ما شعبه ده)
 خط بیتلر و سوسو (کجی سبک)

DOCUMENT 11A TsGARUz, I-125, op. 2, d. 656, l. 35



DOCUMENT 11B TsGARUZ, I-125, op. 2, d. 656,
l. 35 ob

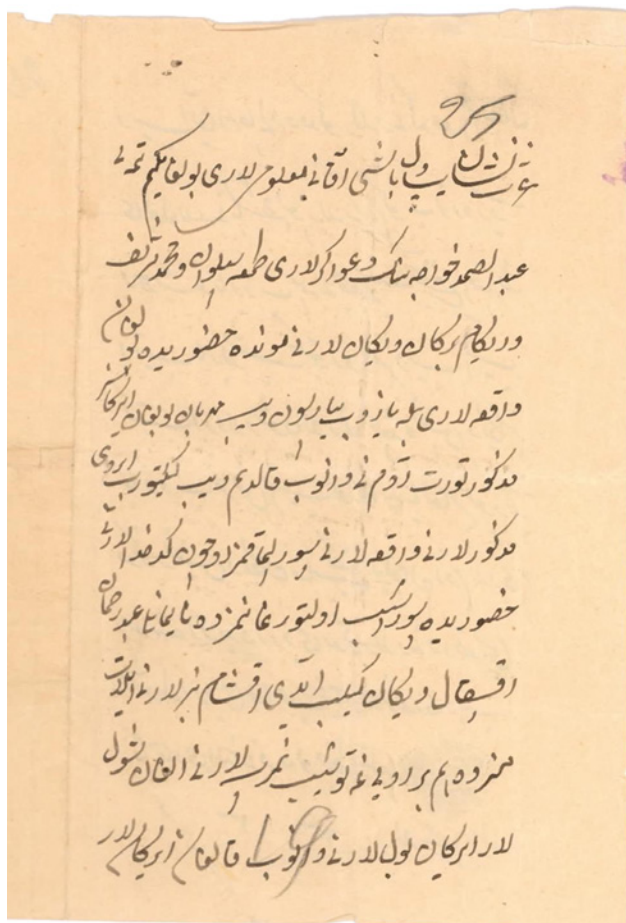
Section Two



DOCUMENT 12A TsGARUz, f. I-125, op. 1, d. 498, l. 14

۱۵
 و تهنیت ب دل بابر آقا فخریه معلوم که در بوسه حق یافت
 آتیا بر در کجاست و حق آتیا به کجاست در کجاست فخریه فخریه
 آتیا به بوسه و فخریه به بوسه به بوسه به بوسه به بوسه به بوسه
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 معلوم فخریه به بوسه به بوسه به بوسه به بوسه به بوسه
 خرد به بوسه به بوسه به بوسه به بوسه به بوسه به بوسه
 ۱۶

DOCUMENT 14A TsGARUz, f. I-125, op. 1, d. 498, l. 21



DOCUMENT 15A TsGARUz, f. I-125, op. 1, d. 498, l. 25

۲۵۵
 و سبب آتیان حال دد مذکور لارنه کد مذکور آتیان لار
 ی بول لارنه با سقم بوز لار سقم کوب تور و زیو
 و سبب نم ماروب سبب نم ماروب سبب نم ماروب
 و سبب ماروب سبب نم ماروب سبب نم ماروب
 کتب ارد لار شول لارنه اچند نفس و یکان
 باروب عرض آتیب لو یکان بالی نه نور لار
 مذکور نفس و یکان نسک نفس بولمان آدم لاری
 موند لاری ویدی ویدی مذکور لارنه ویدی
 شول ویدی صاحب فیت وادی ویدی
 مامادی ویدی ویدی ویدی ویدی
 و سبب ویدی ویدی ویدی ویدی

DOCUMENT 15B TsGARUz, f. I-125, op. 1, d. 498, l. 25 ob

وزارت بنا حکومت دنگا بولس کا آقا میرزا خانی متلازمہ دروغ اوکا اوکومو
 ما یسع الا ولده نیاز بک دیکان کفر کیا بیسلوچ قیلد قیرغ سداوت بکیر
 خیر است دیکان اوروب خیر و انیقا چکیغ و بیستول توغولدر شربستار
 کورلان قاضی اکت لاریدین پر امین آلبیل کدخدالار لایقنا بلالار
 امین بلمند کوراجار لار کورو کدخدالار بکیر کیا بیستار و اقملا معلوچ
 قیاییدر لار ایمد لیکد امد کور خیر است دیکان لیکان خا توغول آقا سبجی او
 کیر لایبدر اوکا سکا قوشوب بارما بدوروب عرض اکیان سبجی او
 رایت بولس خا توغول ایرتیم قوشوب باشم سوز بولس شربستار سبجی او
 موند اقوشوب بار کور دیکان بویرو قحالی لاریم موافق لار موند ایرا
 شعور و لایق بولغاند امد کور خیر است لیدان بالیم الیای رغان قوشوب لیک
 حمد خدا دیکان لار دنگوراجار لایق موافق قوشوب بارما کیر لایق لیکان لاری
 سبجی او قحالی خا سغ قوشوب چا بکیر غم بار لیدر اوکومو سبجی او بولغان لار
 معلوچ انیشتر ایرکان دیکان نیاز بک کفر لایق لیکور ایاق لیکان ناچار
 کورکان امین لار سبجی او لیکان لاری ایاز ایرا چا بکیر غم معلوچ قیایید
 ما یسع الا ولده غلبه افلاص مرقوم بولدر لایق سبجی او

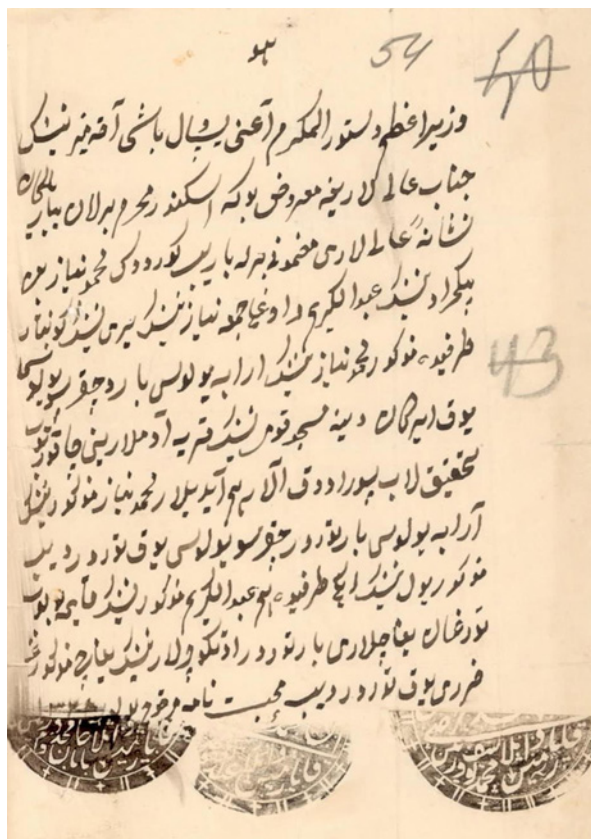
DOCUMENT 16A TsGARUz, f. I-125, op. 1, d. 498, l. 28

وزارت قضاوت و تنظیر امور
 معالی در دولتی که با کونیه و کلی محمد قیود و یک در ملک
 عالی در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 و در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 در آتاپل و کونیه و در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 عبد الستار و یک در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 استیلا و یک در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 ایله دوله و یک در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 فخرالدین و یک در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 و یک در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور
 و یک در قضاوت و تنظیر امور و یک در قضاوت و تنظیر امور

DOCUMENT 17A TsGARUz, f. I-125, op. 1, d. 498, l. 42

44 40
 ذرات فتنه یب دلماشی افغان ترک خدمت لاریفه معلوم
 بولونکم مثنی بابا یحیی و عبد کریم لاریفه یکانیک افغان
 انجور و دوزیر تو فار رسید افغان بولونک مرشید و وزیر
 باشکلی بکره بولونک لاریفه بر ایا قیدی تو شوق از شما یزد
 قدیم دیکه قائل ایا قیدی تو شوق به انجور رسیده پیغمبر
 قاز و شقاق اردو و یب مذکور لاریفه بولونک مرشید و وزیر
 قائل بر لاریفه قائل شوق و قاز و دوزیر بولونک و انجور
 و قاز لاریفه بولونک مرشید بر لاریفه قائل شوق و دوزیر
 لاریفه موافق مذکور لاریفه مرشید لاریفه شوق و دوزیر
 مرشید شوق قائل افغان لاریفه لاریفه کولونک بولونک
 نور در لاریفه کولونک و قائل لاریفه بولونک بولونک
 بار و دوزیر و یب افغان بولونک مرشید و دوزیر
 نور در لاریفه کولونک معلوم بولونک مرشید و دوزیر
 ۲۰ خرداد ماه جمادی الاوله ۱۲۸۱ لاریفه بولونک

DOCUMENT 18A TsGARUz, f. I-125, op. 1, d. 498, l. 44



DOCUMENT 19A TsGARUz, f. I-125, op. 1, d. 498, l. 54

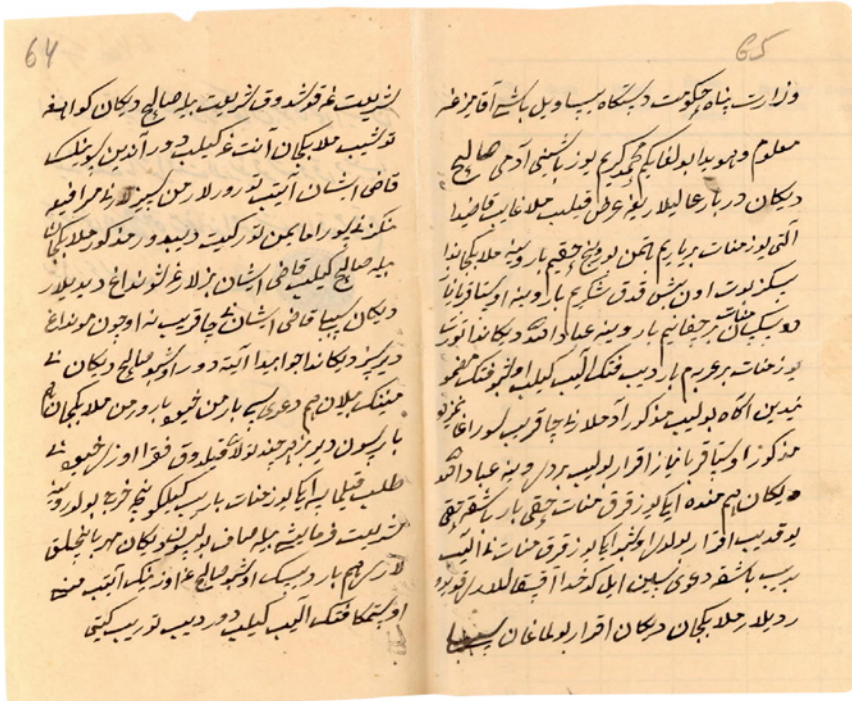
58 59
 فنک
 وزارت با حکومت سکا دیوانشی آقا
 خدمت لار نه موفوق الکیم واده اشیا و بان دور دمی
 و بار بار عاقلان غرض سبب نش نه کیلور و قیریم
 بایرام سلطان فنک کیو مرت فنک شریعت
 ایست کا یار اماغان بسپا ند کور قیریم نه آیر ما قیریم
 نه کور قیریم نه آرتوف نیاز و اورض نیاز و ملجمه
 و عاشر و خوجمه در لار اور و سبب نه یار و اعضا لار
 جاجت و ارباب سکا خوار لیت پر در لار و

DOCUMENT 20A TsGARUZ, f. I-125, op. 1, d. 498, l. 56

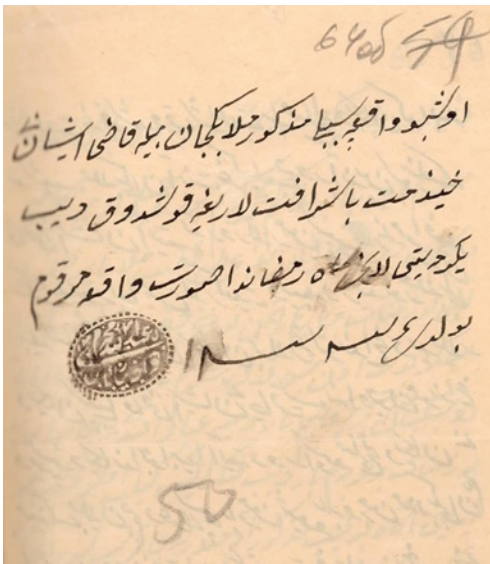
56 57
 نو لوجیدان مذکور لار نه و عاشر شریعت پر لار سکا
 اخیر سکا شکان کین شریعت نه قوشوب ببار نه خیز
 کیو طفر شریعت نه بار عاقله در که عاقله بار و
 و لیک ان بسپا ند کور لار نه خدمت لار نه قمشو قوشوب
 ببار لید و سبب و آخر نماز الحجه و او سبب و لید
 مر قوم لولید و سبب و لید

DOCUMENT 20B

TsGARUZ, f. I-125, op. 1, d. 498,
l. 56 ob



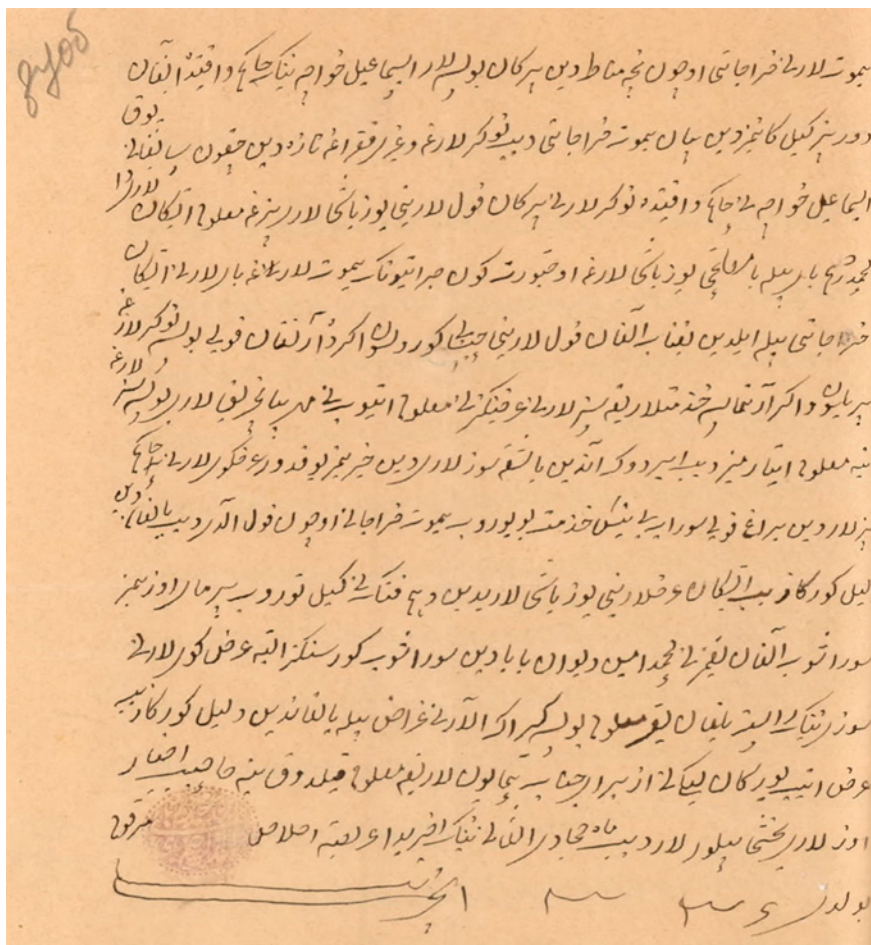
DOCUMENT 21A TsGARUz, f. I-125, op. 1, d. 498, ll. 65-64



DOCUMENT 21B TsGARUz, f. I-125, op. 1, d. 498, l. 64 ob

۵۶
 وزارت فناء حکومت و ستمه لب الی بانی ایامی که خدمت این معلوم بولنگام است و این
 موضوعی که در پیشگاه اقبال نیک قومی در حق عبدی که شریف دلی ندر اور و شوبه کار
 شریف اولی که سبب الارزیک و عدال در سوره شیب شول طرفه شریف فرمایش است
 با ندر شتور و با غیرین موافقه بید در چون دلی ندر بورد و غدر نیک قومی که سیده مد کنه
 شریف نیک ورش در نیز قارب سوره الد مد کنه شریف او غنا همه باز و خالو که ستمه
 و برادر در جیبای و ملا ایشای دلی ندر دین مد کنه ورش در آیدید شریف مد کنه
 موتدین ادره کون اول اور و شوبه ایر در اندین هم اول کسب ایر و شوبه ندر نیک
 دلی ندر و عدال ندر و کربیب اقرار قسید کندید اندین سو که مد کنه شریف
 او غنا همه باز دلی ندر ادر طریون اصل ایضا ناسی قربان یک مد کنه طریون و کسب بود
 که ایدر مد کنه شریف اقبال و جیبای در نیک شهادت بعد الارف موت اولی ندر و با و
 حمر این ندرین فقط که شتور و مد کنه در نیک و عدال در و اولی ندر فقط که شتور ندر ندر
 ۱۳۲۶ خنده ماه سنبله نیک طریون سیده موده واقع شیب بیارید

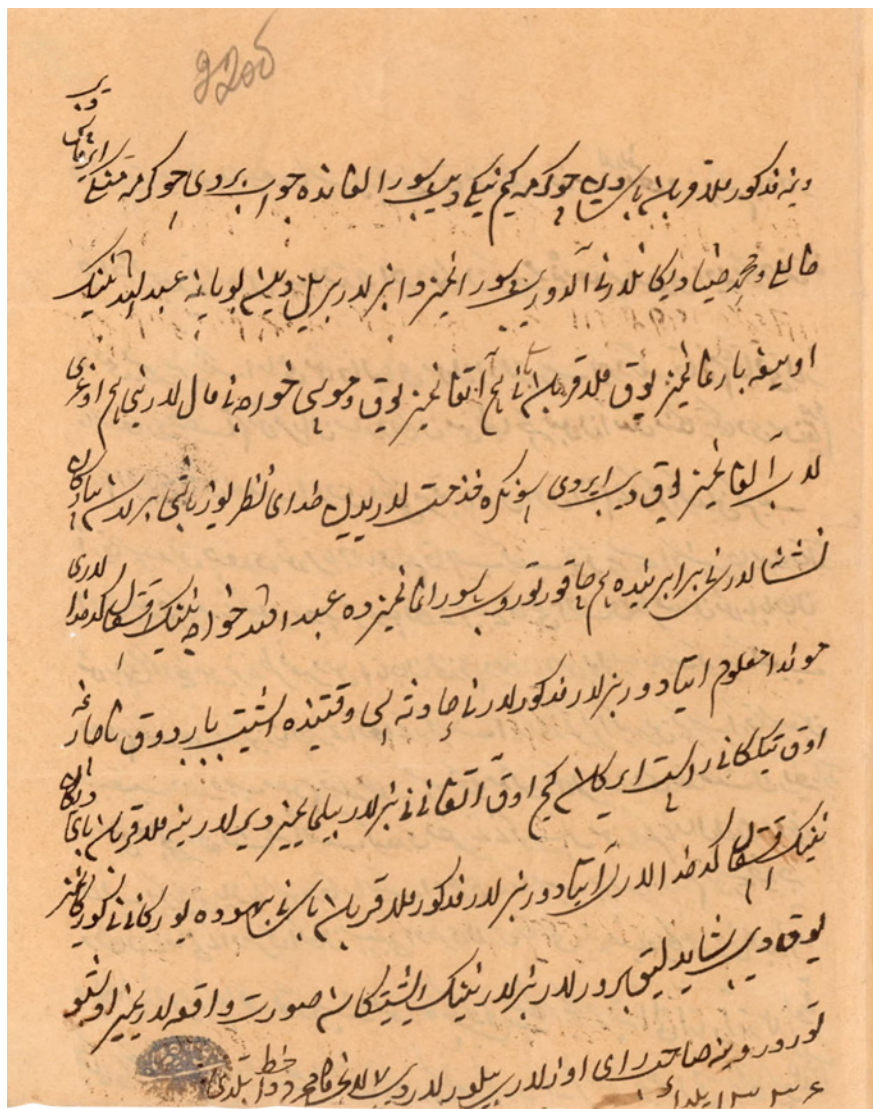
DOCUMENT 23A TsGARUz, f. I-125, op. 1, d. 498, l. 86



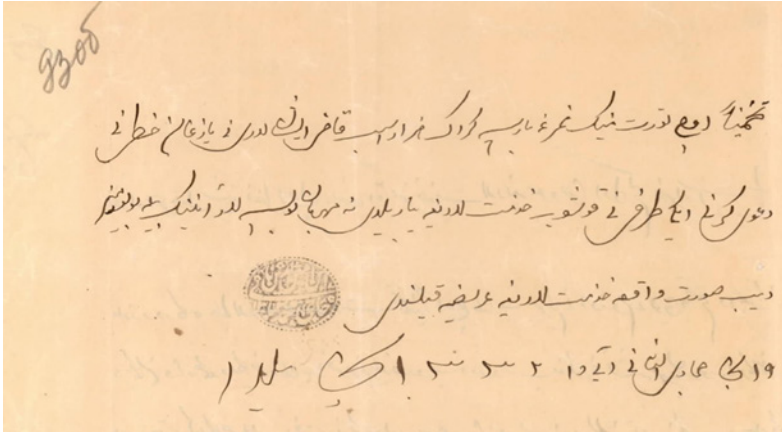
DOCUMENT 24B TsGARUz, f. I-125, op. 1, d. 498, l. 87 ob

۲۵

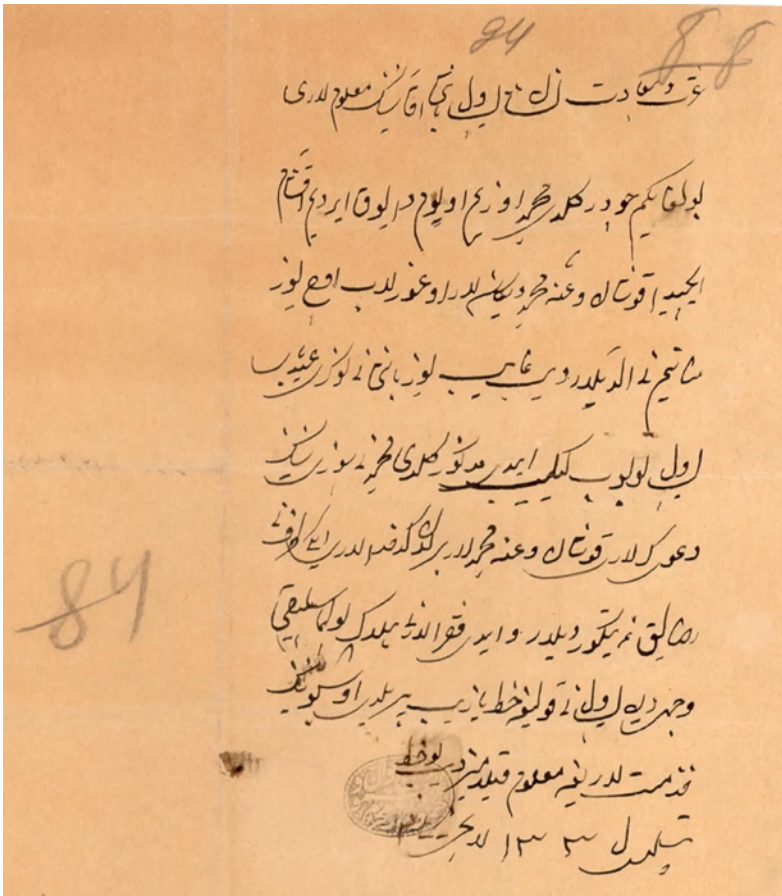
وزارت بنام محمد یوسف یا رسول الله افانیر شیک خدمت حضرت بزرگوار
 خواجہ سید محمد بن عبد الله خواجہ دیکان کیدیمو معلوم قیدی اولوی خوشان
 دقتی بچہ بر شیک امامی ملا خالہای ہلان اولو سرب ایردیکہ قاقوم قاقنی لار
 تاشقاری جیفام کو قربان بنار دیکان منی طہانچہ ہلان آندی منکا شیک دی من قاقم
 انام اولو خچان کیدیم ایردی ایکنی بر تہہ آندی اوق انام نے کو کر کیدیم کر سرب
 آقا سید بن جعفری ملا قربان بای ہم قاجیب کینب چو کر سرب او سربو جیدہ قاکد
 اوق ہدی کو مہ نہ کیدیمو کو سرب نکہ نہ سید قاضی الٹن طر فیدیم ملا باباجان
 ملا بابائی ادغی ہدی نہ طر فیدیم ملا تاجان محمدیم دیکان ایس بولوب ہادی کو سرب کیدیم
 معلوم قیدی لار مذکور تاجان نہ اتقا نہ رکبست ایرکان کو کر کیدیم کر سرب آقا سید بن
 جیفیم دور دیم معلوم قیدی لار سونکو مہ کو قربان بای خدمت لاریغی بار
 دہنخی فالجیہ نہ اتقا نہ الیب کیدی مضمون نہ کو سرب من یکم نہ مال لاری ادغی
 لاریغی ایکیش بالہ نہ سوخت قارائیب ادغی نہ تاپب بردر ایردیم کو سرب خواجہ
 دیکان نہ مالی نہ ادغی افغان سید ادغی لاری خالی جہ ضیادیکہ لاریغی عبد لہ
 دیلکلا نہ اولیغہ قاقور تور دیم اولو مالک لولی شیک ریکہ مرتبہ الی آتا راند لاریغی
 شیک و حرم قاقور دیم لاریغی شونہ ہور اشید کو روبر شریعت نہ حوائی تبکا کو لاریغی



DOCUMENT 25B TsGARUz, f. I-125, op. 1, d. 498, l. 92 ob



DOCUMENT 26B TsGARUz, f. I-125, op. 1, d. 498, l. 93 ob



DOCUMENT 27A TsGARUz, f. I-125, op. 1, d. 498, l. 94

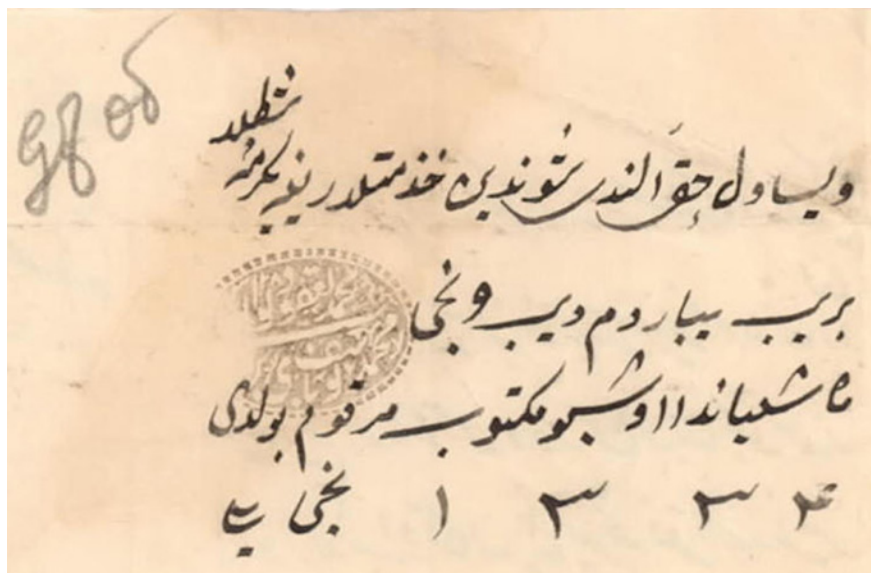
وزارت بنیاد حکمت و سیاست و اولیای
 خدمتدارین معلوم الارکام بنیادین که نامحکم
 دیگران رو به طلاق اسودانده خامداد و فاه و فو و کلاه
 بر مایه طلاق اسودانده و برب عریضه از کهنه و سنده
 خدمت کار قلندرین برب و برب بربان بولغان از کهنه
 مودنه فدیه قلعه برب بربان بربان بربان بربان
 بر نشان و بربان بربان بربان بربان بربان
 عاجزین بربان بربان بربان بربان بربان
 اول بربان بربان بربان بربان بربان
 86

DOCUMENT 28A TsGARUz, f. I-125, op. 1, d. 498, l. 95

98
99

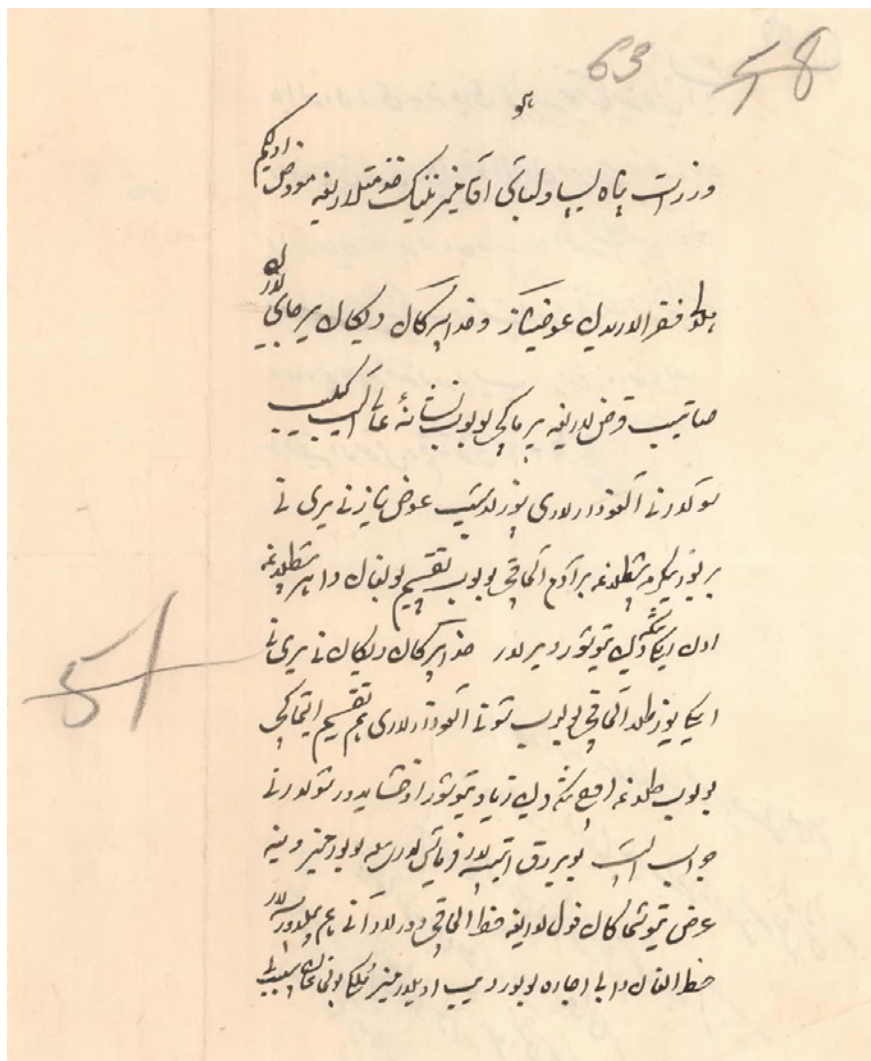
وزارت سپاه حکومت دستک امان کیلک
 بولباشی اقامت خد متدر نیو مروض او
 بیدر کیم هلاک اسد دور من دین بموتدر
 زور لب او تکان یل پر نجه فقر الدن میر
 لدر نده وایکین لدر نده بوز بیار یار او تکان
 سبیل بابا جانم سپید ویکاعض امتیض نده
 اکیس کیلک نده موافق مذکور یار یار
 او تکان بموتدر سید مذکور عرض کوی لدر سید
 هنوز دستور مذکور سیر ایکا لدر نده بوز
 نشان اکیس لدر نده اسین بیار و افسال
 کد خدا لدر سید کور کاز ب مذکور لدر شک
 زرار لدر او چون پر یوز ایلک ایلک سیر لدر
 سید رضایق غنیمتیدر ووداغ مذکور یار
 یار غنیمتدین ایلک لدر اسین غنیمت

91

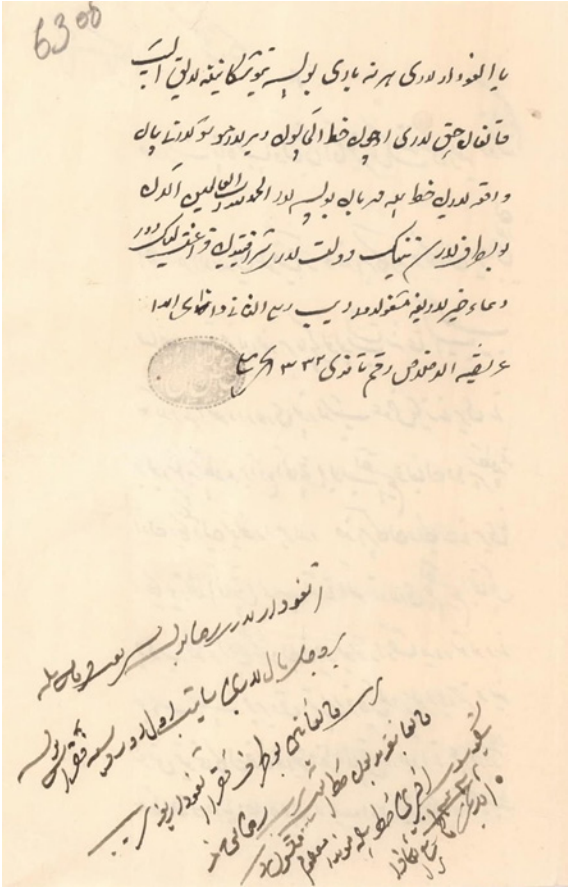


DOCUMENT 29B TsGARUz, f. I-125, op. 1, d. 498, l. 98 ob

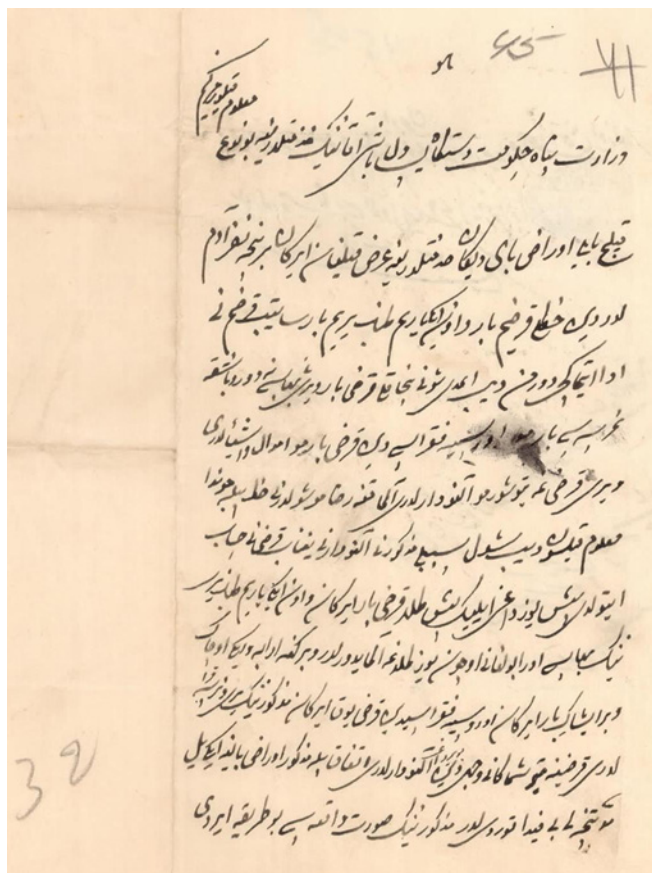
[illegible]



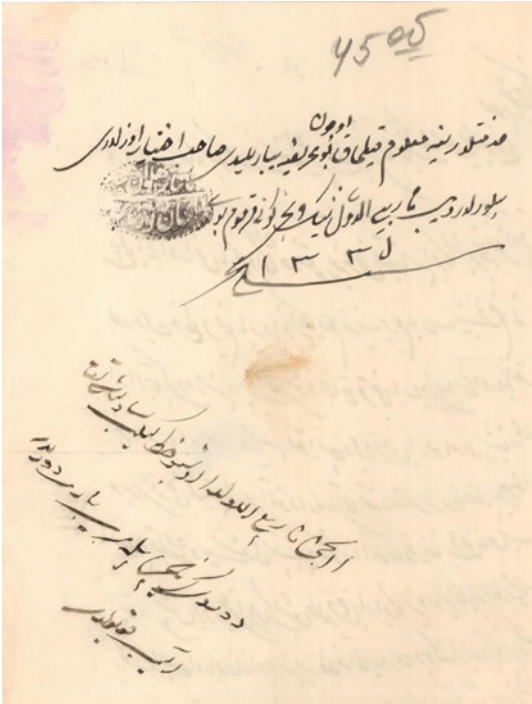
DOCUMENT 31A TsGARUz, f. I-125, op. 1, d. 498, l. 63



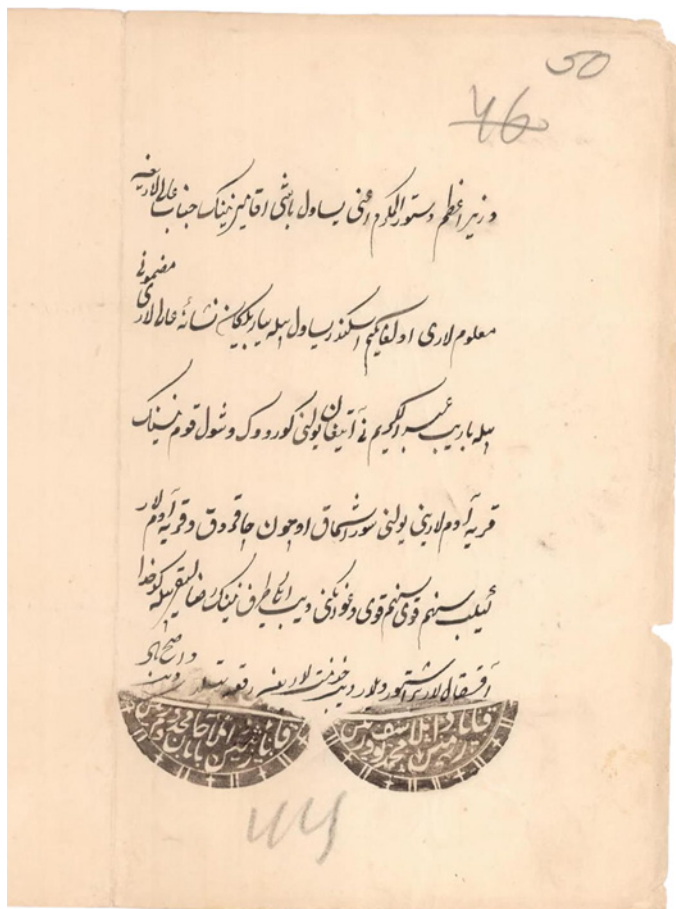
DOCUMENT 31B TsGARUz, f. I-125, op. 1, d. 498, l. 63 ob



DOCUMENT 33A TsGARUz, f. I-125, op. 1, d. 498, l. 45



DOCUMENT 33B TsGARUZ, f. I-125, op. 1, d. 498, l. 45 ob



DOCUMENT 34A TsGARUz, f. I-125, op. 1, d. 498, l. 50

49 53

وزارت پناه و پناهی اقا میرزا نیک خدایتقدیر یغما
 بود بایک قربان یاز و یکسان در راه یونانی قوشما
 قربان یاز و در زخم و بابا و اما یاز و جمعه نظر و سپید
 و صفا و سپید در یکسان در تریعت احرا یغما
 رضا بولماری در قریب است یونانی در او چون ایما
 طرف لدر و قشور لدر و سوره و غرضه گوی بار
 یاز لدر و مدعا سیغه موافق اولی تعالی
 بویونیم ایل است شایب افعال کو فخر لدر
 ایتفاق لدر محاسبه در راه یونانی برب رضا
 لدر و لدر و سوره خدایتقدیر یغما
 قشور یونانی در رضا و لدر و لدر و لدر


DOCUMENT 35A TsGARUz, f. I-125, op. 1, d. 498, l. 53

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 در روز پناه سپید بانی آقا معلوم لاری بولغا یلم هر سپید منی اوم لاری دین
 اصد بکان محمد یار خود و این ناز و قوت خود و جملہ تعقیب خود و بکان لاری
 و بارعالا دین عوض قیلان در کجایموت طایفه لاری بنش اریق لاری بکان باغ اند
 اتیکان خواجه و در کجایموت فیا پوراشه و در لاری و بکان دین و بکان دین
 ممان کوشیکان یر دین پوراشه و بکان دین و بکان دین و بکان دین
 قبله و در لاری و بکان دین و بکان دین و بکان دین و بکان دین
 تابع لاری و آقا نایب قیلان کف لاری و بکان دین و بکان دین و بکان دین
 هر بر لاری و بکان دین و بکان دین و بکان دین و بکان دین
 نشسته لیکان و بکان دین و بکان دین و بکان دین و بکان دین
 و بکان دین و بکان دین و بکان دین و بکان دین و بکان دین

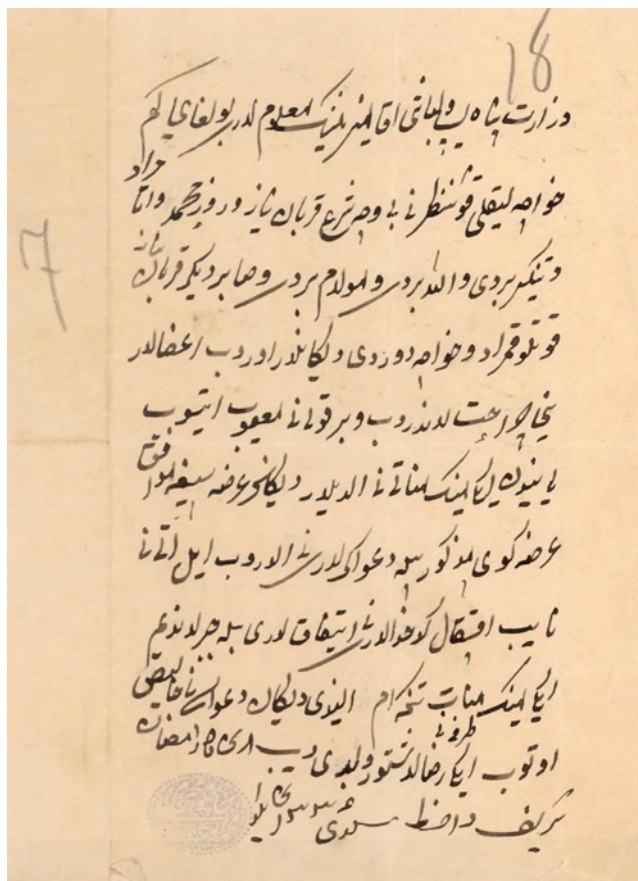
DOCUMENT 36A TsGARUz, f. I-125, op. 1, d. 498, l. 89

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 بولوب توشكاندو آقا ناييب لاري اتفاق اولدين خواجه آيتجان سيب
 دنیه بای لار سبب فقر اولار دین شئی آتا ربور لیک سبب جمع خواجه
 اتفاق سبب لوزیک لاری اهر بر و اهل فی سبب لایق مدکور
 عرصه کویله لار دین غیر لاری منوت یاوشا بر سبب دور لار و اخ
 مدکور عرصه کویله این اتفاق لاری اتیمای کیش لیک سبب
 مود کال سبب جماعت نایب لار اتفاق سبب مود لار لیک سبب
 مدکور عرصه کویله لار غنیه جزا بر کال لار نیر لار جماعه لار نیر لار منوت
 در لیک سبب تاخیر نایب لار و دیوب لار جمادی لار و دنیه بر کال فقر اتم قایوب آقا قایوب
 دو سبب عرصه اهل در ص سبب سوسو

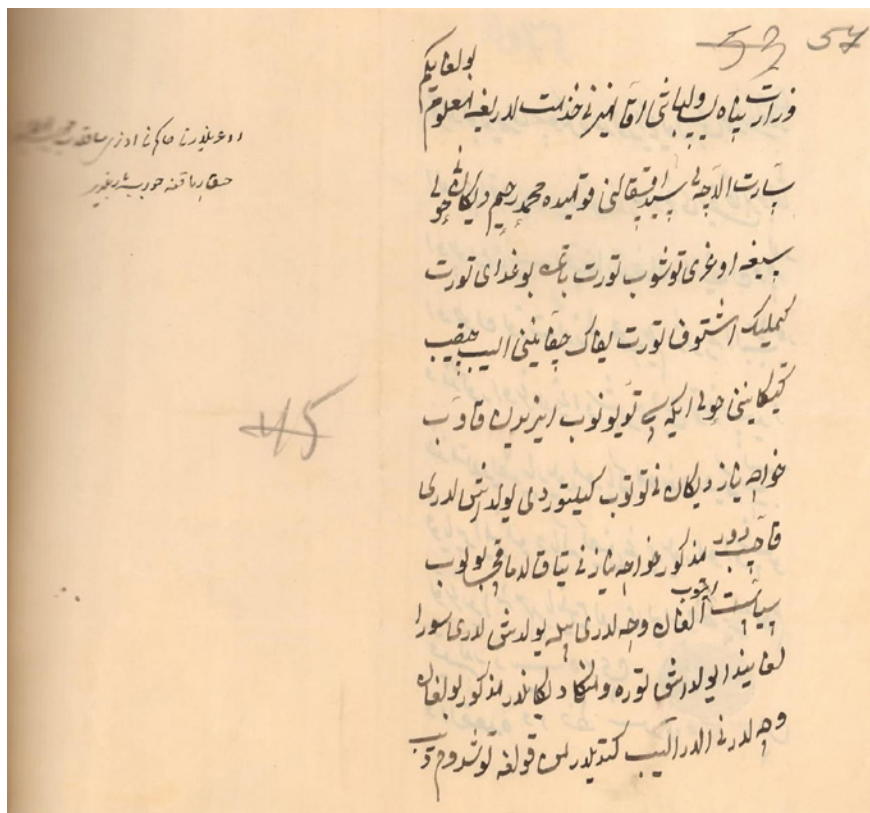


DOCUMENT 36B TsGARUz, f. I-125, op. 1, d. 498, l. 89 ob

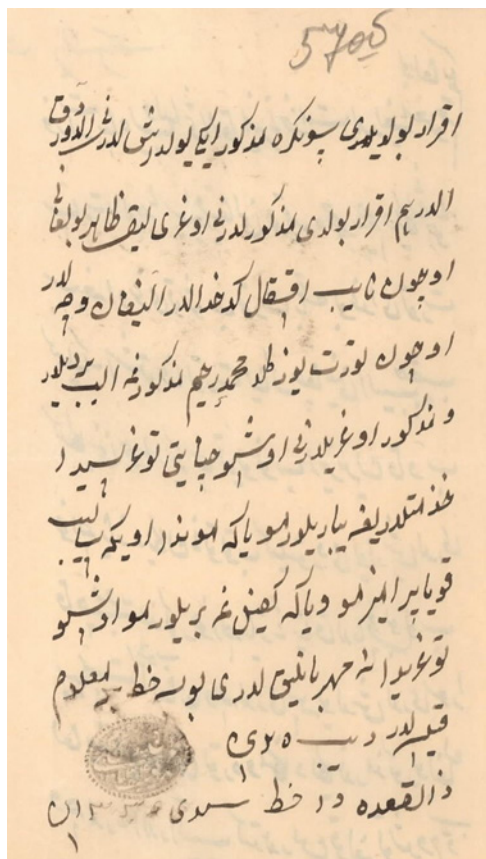
Section Three



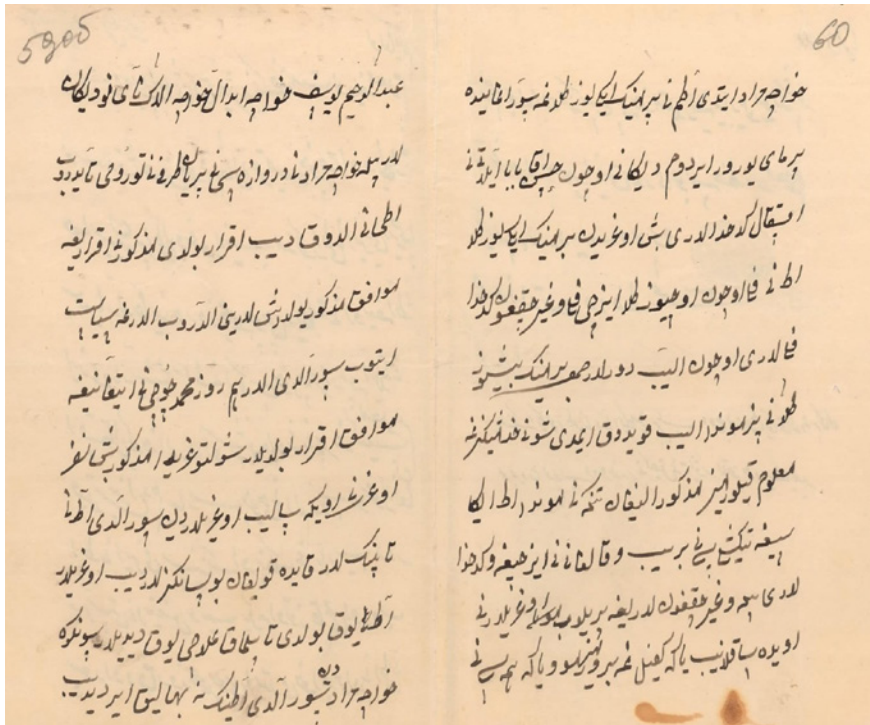
DOCUMENT 37A TsGARUz, f. I-125, op. 1, d. 498, l. 18



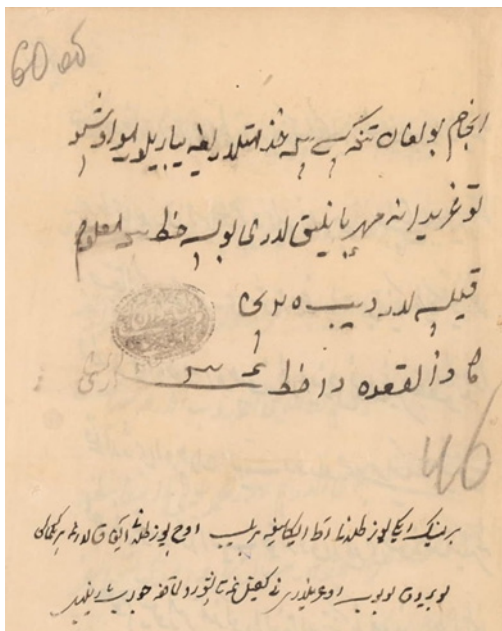
DOCUMENT 38A TsGARUz, f. I-125, op. 1, d. 498, l. 57



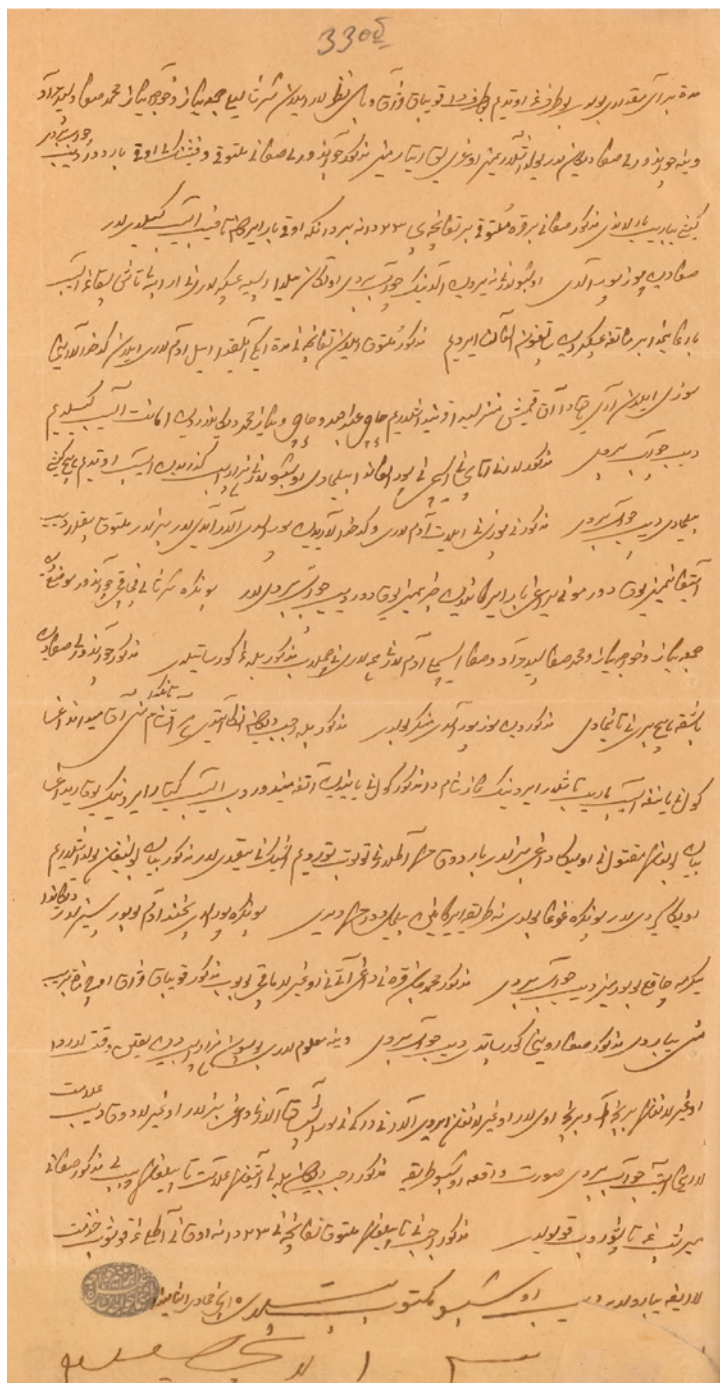
DOCUMENT 38B TsGARUz, f. I-125, op. 1, d. 498,
l. 57 ob

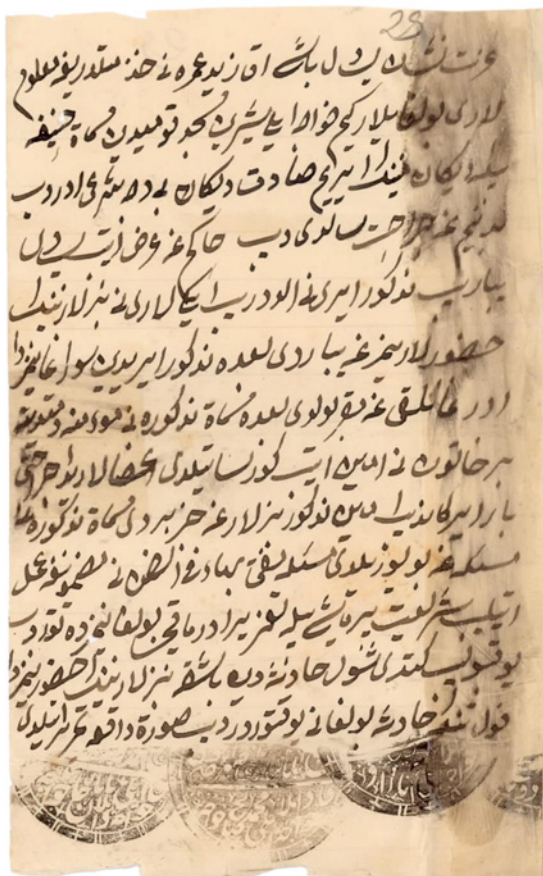


DOCUMENT 39B TsGARUz, f. I-125, op. 1, d. 498, ll. 59 ob.–60 ob



DOCUMENT 39C TsGARUz, f. I-125, op. 1, d. 498, l. 60 ob

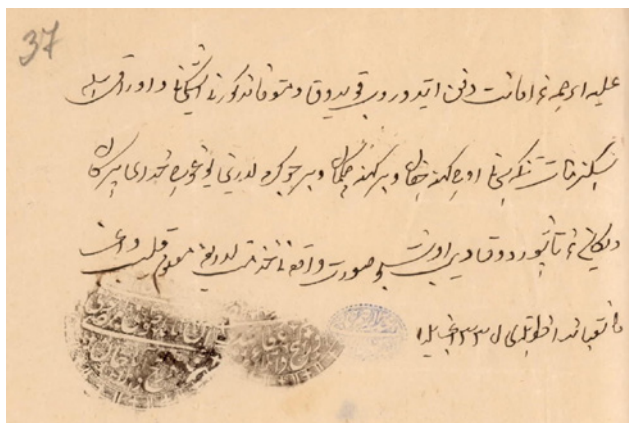




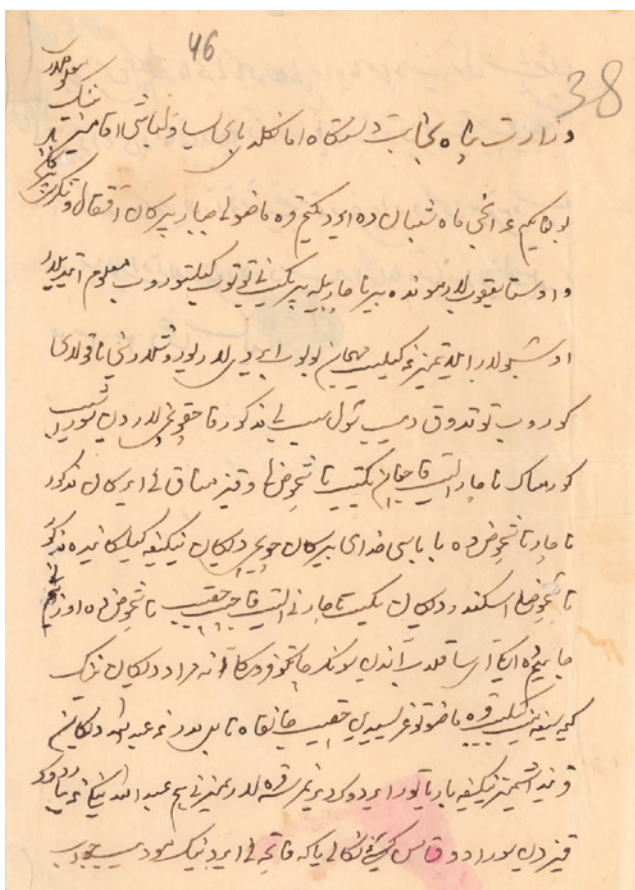
DOCUMENT 42A TsGARUz, f. I-125, op. 1, d. 498, l. 29

38

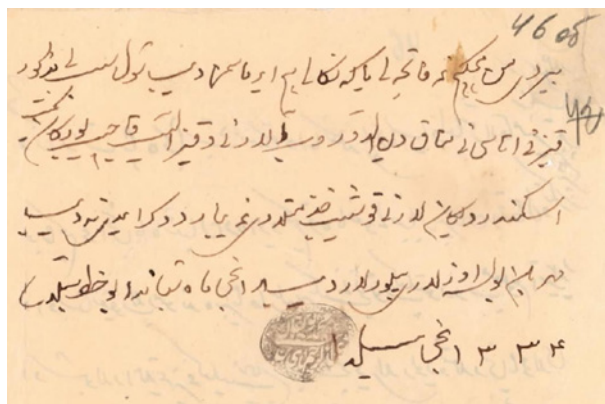
دوزار پناه چاه بر در سبزه اول پستی اقامت زنانه مستعد لدره معلوم اولنا سر کور لدره
 بابا چاه و زبانی رنگ قری حرم لعل و انسی حرم ادعی دیکه لعل لعل لعل لعل لعل لعل لعل لعل
 لعل
 ادینه بارغا ایله کور لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل
 کور لعل
 لعل
 بار مودیر انبر لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل
 دیر ادراقا بر لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل
 و قید الوله نور لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل
 ایله قیل بار مودیر لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل لعل



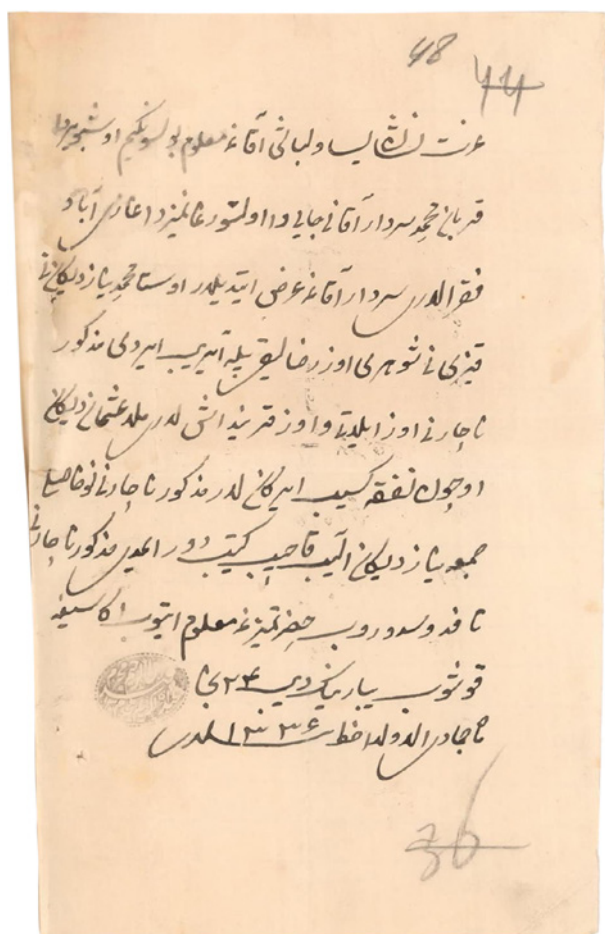
DOCUMENT 43B TsGARUz, f. I-125, op. 1, d. 498, l. 37



DOCUMENT 44A TsGARUz, f. I-125, op. 1, d. 498, l. 46

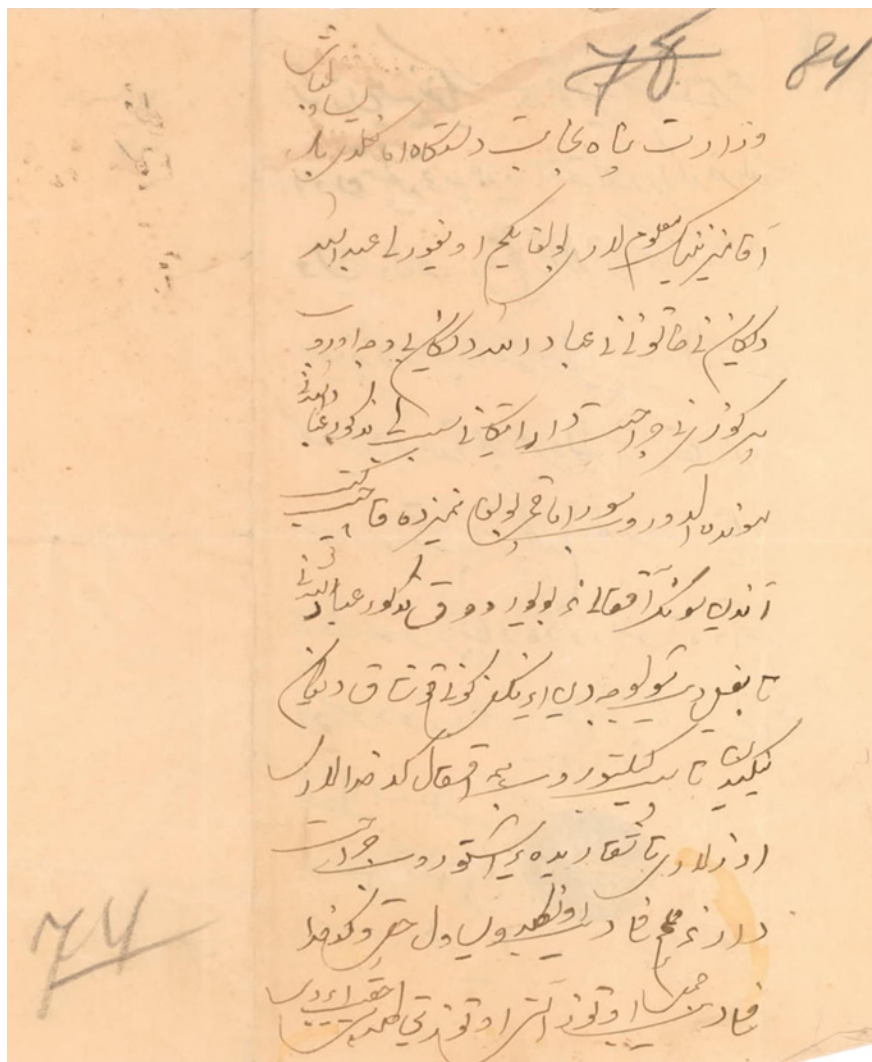


DOCUMENT 44B TsGARUz, f. I-125, op. 1, d. 498, l. 46 ob

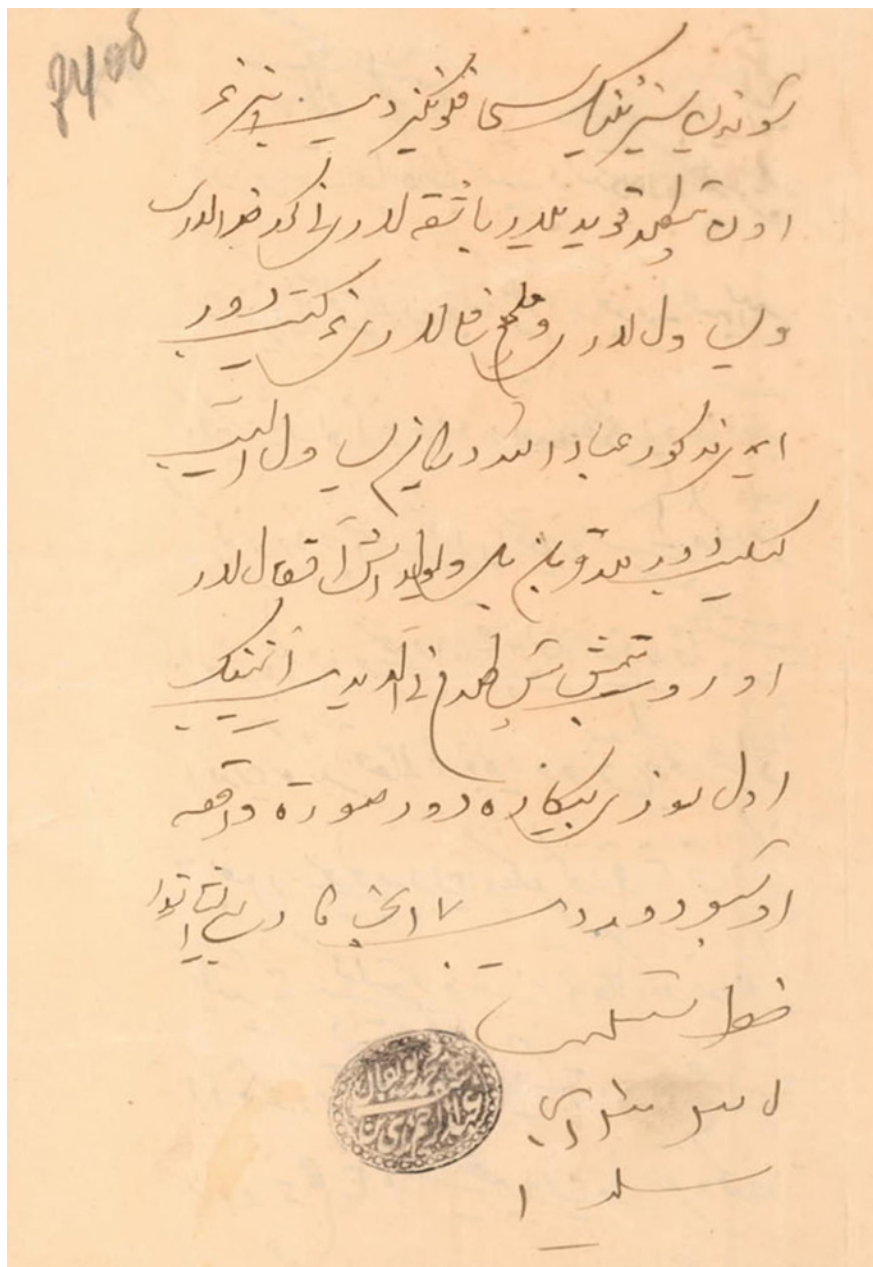


DOCUMENT 45A TsGARUz, f. I-125, op. 1, d. 498, l. 48

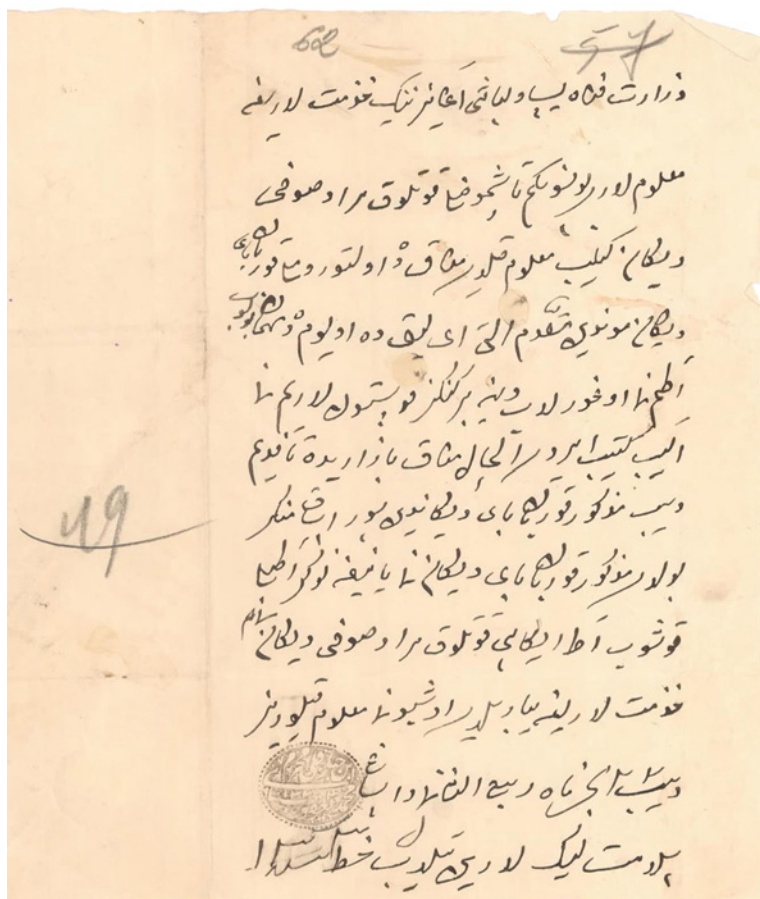
[illegible]



DOCUMENT 47A TsGARUz, f. I-125, op. 1, d. 498, l. 84



DOCUMENT 47B TsGARUz, f. I-125, op. 1, d. 498, l. 84 ob

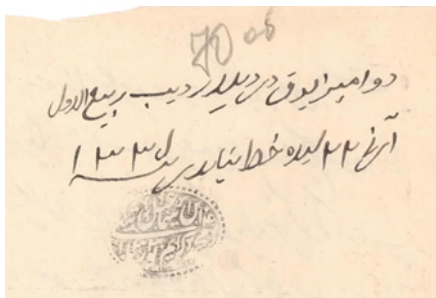


DOCUMENT 48A TsGARUz, f. I-125, op. 1, d. 498, l. 62

64
 وزارت پناه حکومت در کابل با شایسته
 اقامت نیکو جناب در رفیع مع روز اولی قیام نمود
 آغاز کاران سید الاولیاء را که در کابل کوی کعبه
 عرض انقدر فرمود که اگر آنکه میبایست قیام بکنند
 اولدیه و در بزرگراه امین پیر و شایسته
 قاضی امین الله شایسته در رفیع پیر اسمعیل را قیام نمود
 یو بر دو که با شایسته کوی کعبه در رفیع پیر
 معیت در رفیع کوی کعبه معیت معیت معیت
 پیر و یو بر دو که در رفیع پیر با شایسته
 قاضی امین الله در رفیع کوی کعبه پیر
 فیضی و فیضی پیر با شایسته در رفیع کوی کعبه
 در رفیع کوی کعبه پیر با شایسته در رفیع کوی کعبه
 آند از رفیع کوی کعبه پیر با شایسته در رفیع کوی کعبه

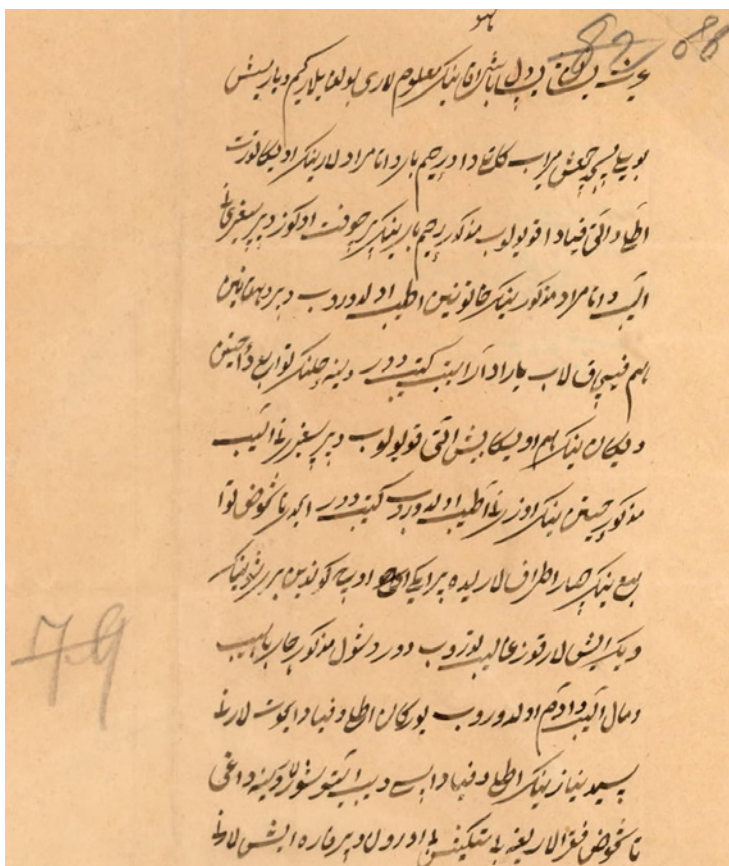
61

DOCUMENT 49A TsGARUz, f. I-125, op. 1, d. 498, l. 70

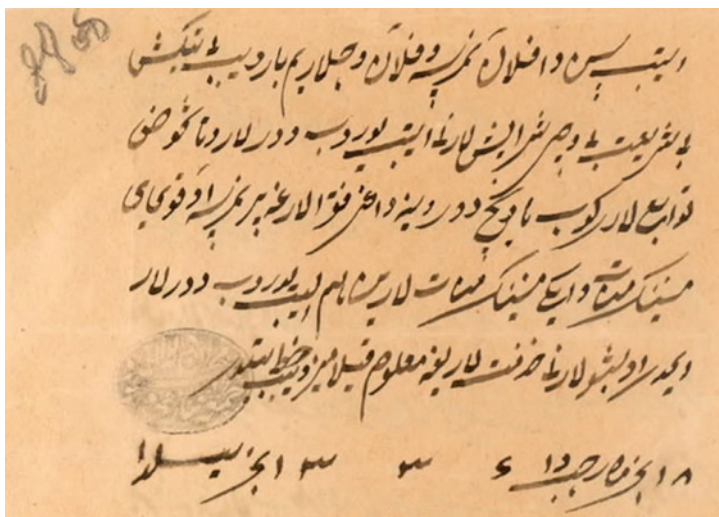


DOCUMENT 49B

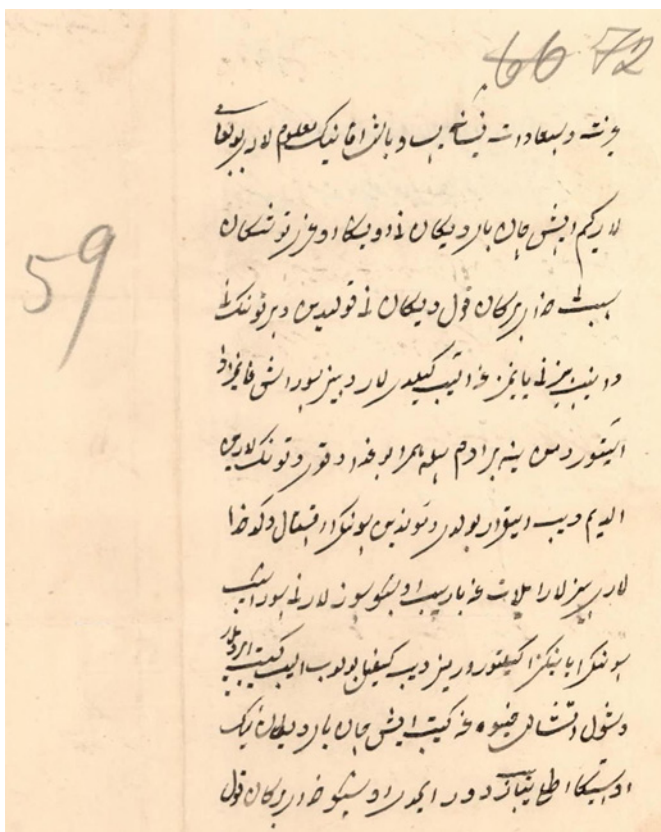
TsGARUz, f. I-125, op. 1, d. 498, l. 70 ob



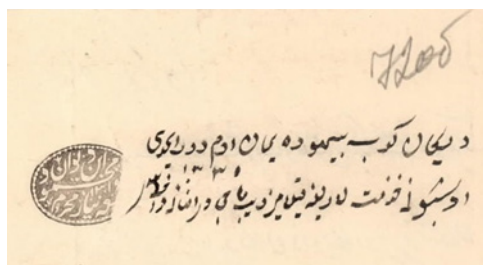
DOCUMENT 50A TsGARUz, f. I-125, op. 1, d. 498, l. 88



DOCUMENT 50B TsGARUz, f. I-125, op. 1, d. 498, l. 88 ob

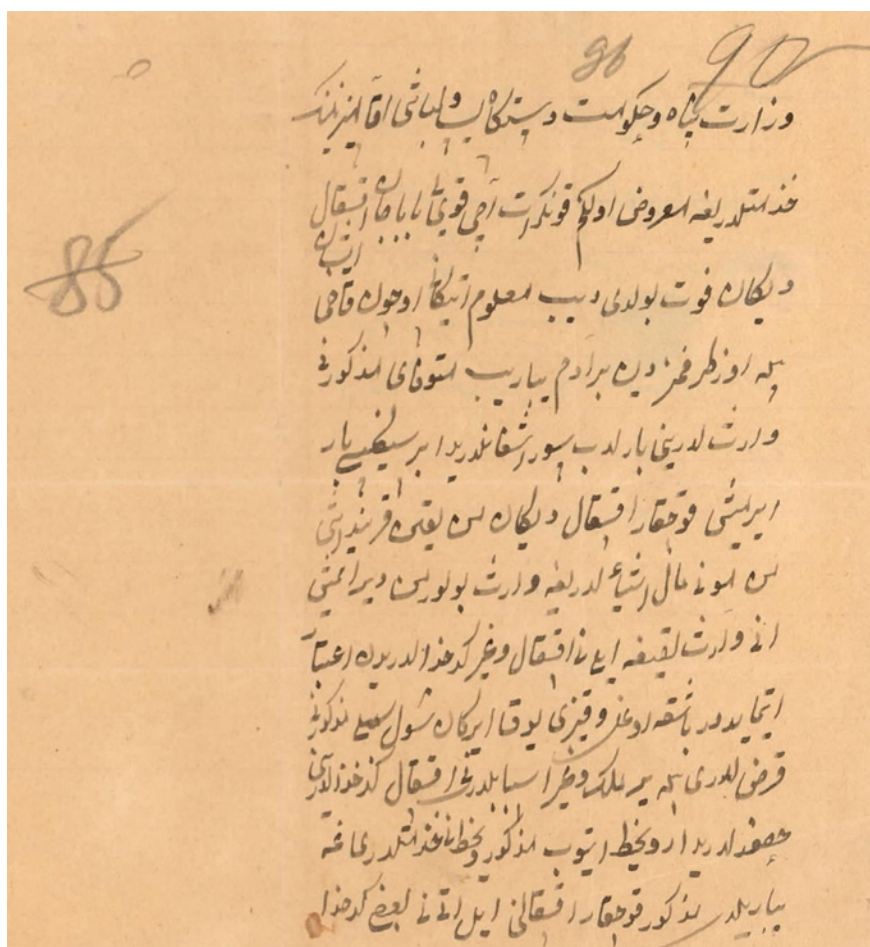


DOCUMENT 51A TsGARUz, f. I-125, op. 1, d. 498, l. 72



DOCUMENT 51B

TsGARUZ, f. I-125, op. 1, d. 498, l. 72 ob



DOCUMENT 52A TsGARUZ, f. I-125, op. 1, d. 498, l. 96

۹۶۵
 لدر و ارث ببق و قرضه رشی ایریکانیک لدری است
 و در ویر مذکور و بخط و ابیان بولغان مال رسا
 بوقا بولاشی اول نه مهر باندنی لدر ویر خط لیم
 معلوم قند لدر و
 لک فم شعبان خط
 سراسری

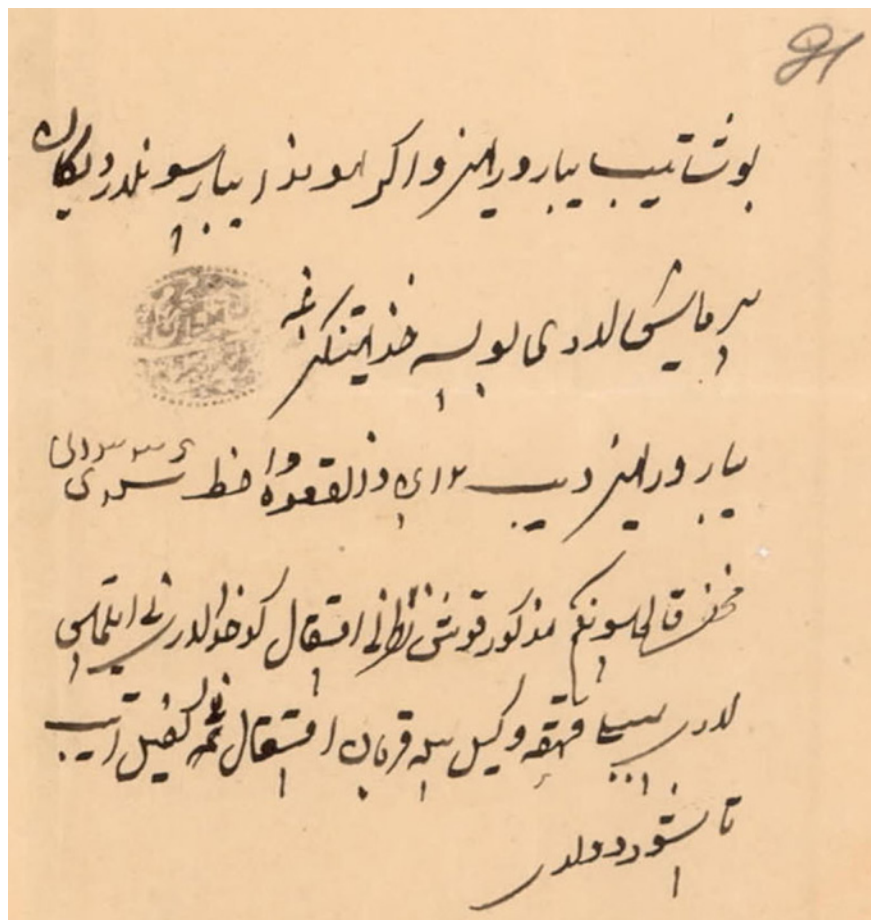
DOCUMENT 52B TsGARUz, f. I-125, op. 1, d. 498, l. 96 ob

90 84

نور آری پناه و پناهی اقا میرزا خدمت لاریفه معلوم بود لغایم
 قوندرت محمد ایل امان یوزباشی اید پرک اقبال نه
 قوسید جمع نظر دیکان اولکان یلی کوزار فصلید حلقه
 باز آرید ابراهیمی اوغورلا تیب اوغری نه هنوز غمه
 تا پای یورکان ایرکان او شویا ایدی ماذالقعده دا
 قوشی نظر ولد دولت حراد دیکان نه اید ایوق بولغان
 اید غریب سالیب یورکان یونه پس نه تانب مذکور توکوب
 حضور غریب کیلتوری بزرگوار دوی پس بویونه نه قاید
 الدینک موند اوغورلا امان املی نه او پیده کیکان یونه
 ایرمشی دیب اول ایتدی سن بویونه نه حلقه نه
 باز آرید بساتغون الیب ایردوم دیب پزینه ایتدی

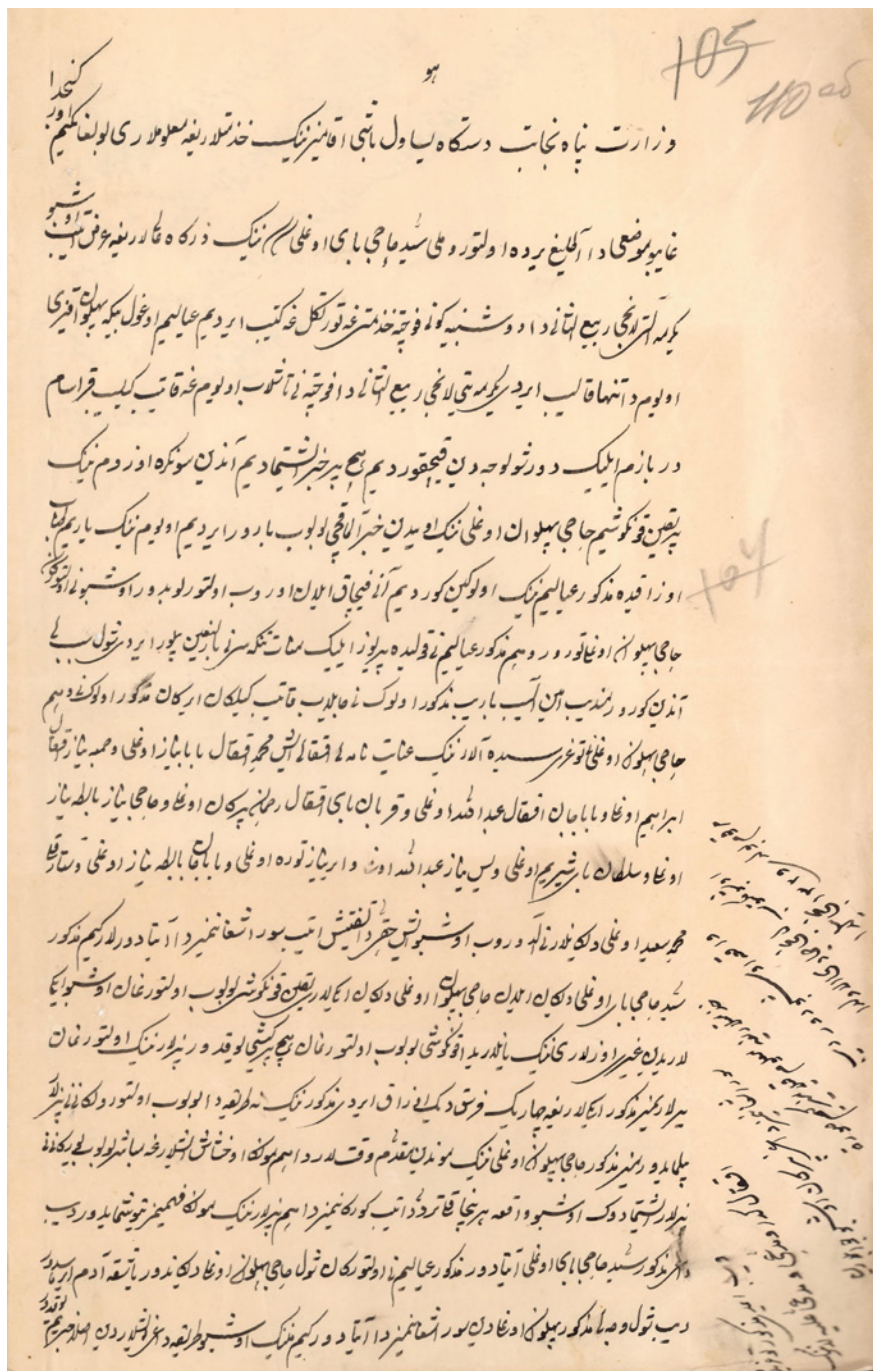
۹۰
 بن
 بیه نقیشتی ایتب پورا دوق یوق بولوب ادغور لالغا
 اطا و سید غریونع پندین عبقدر سن توغری سیمین
 سینگا جازیر بلور دیب شولتوغریا قوشی نظر اتیری
 سن لونه املی نه عاتقه باز ایدین اولکان یا کوزر و قید ا
 ادغور لب الیب پر قزاقف او توز لانه تیب
 شمر نی الدما دیب سونره ای طرف نه کوزرا اقبال
 مذکور قوشی نظر نه املی نه صبعه نظر نه ادغور لالغا املی او
 الیب بریب رفالا شد و ردیدر و درغ قوشی نظر
 مذکور نه اقبال کوزرا الدرا ایلمی ایتب کنایه
 تیلید و ردیدر شول سیم مذکور نه ساقلدنی اید مذکور نه
 کوزرا الدرا ایلمی لار بولوب مهربانلیغ لدر بولوب

DOCUMENT 53B TsGARUZ, f. I-125, op. 1, d. 498, l. 90 ob



DOCUMENT 53C TsGARUz, f. I-125, op. 1, d. 498, l. 91

[illegible]



۷۰۰۵
 سید بختیار از قندریه خانم و غول کینت
 سیدان زاده گناه کریم حاجی بختیار دین اکبر و سیدان زاده
 بولدوم و سید جان گناه و بی سیدان و سیدان زاده
 و سیدان زاده و سیدان زاده و سیدان زاده
 ۱۳۲۹

DOCUMENT 55B TsGARUz, f. I-125, op. 1, d. 498, l. 110 ob

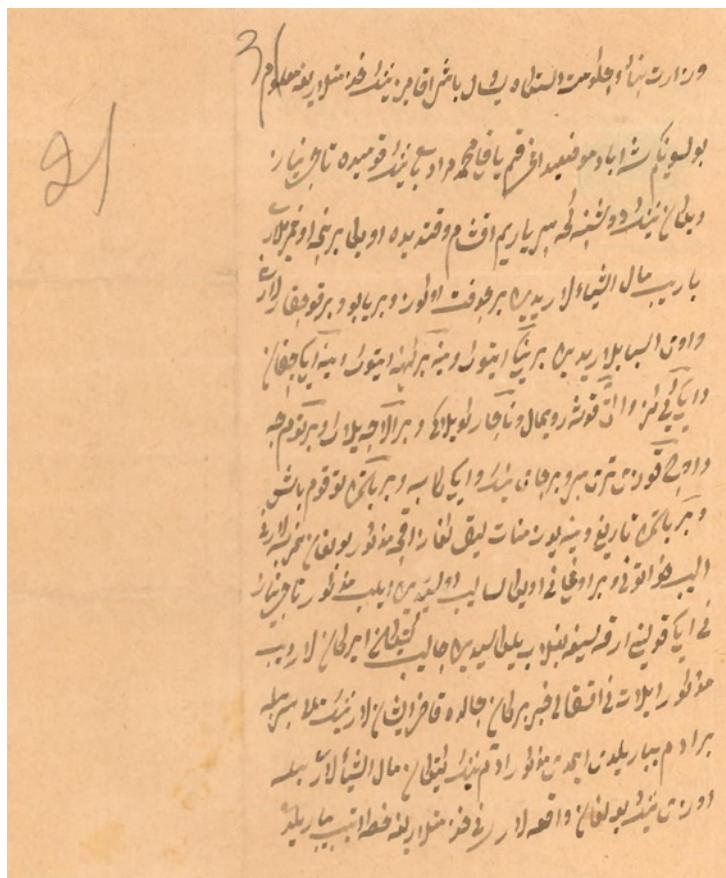
[illegible]

۱۱۴۵
 و هم مذکور شد بولدریم دیکان دولت و قل محمد و لشش ارانند دیکان لدرن ابراهیم نوریشهر سید قوسوب
 خدمت لدرن بیدار دوک بعد معلوم لدر بولدریم مذکور اوغزی لدر دین تگری بود دیکان اوچورتیلدین
 بویان ایمان اوغزی بولوب میچتا پدورهای آریقده قاجیب بودکانیم ایودر ایاسی هم مذکور تگری بود دین
 بیزارتور در صاحب اختیار دورله در صورت واقعه شول تور در دین ایوب شهم عینده مار
 ۲۵ لدر بیزان صفر در حر قو ۶ بولدر ۲۲ الحجزید

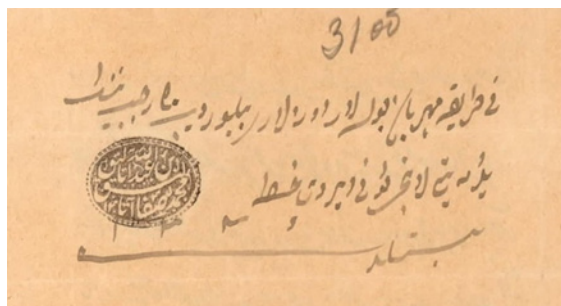
DOCUMENT 56B TsGARUz, f. I-125, op. 1, d. 498, l. 114 ob

۱۱۳
 ۱۰۴
 افضلیت عثمان پاشای آغا فرزند متلا یقه مقروض بوبک
 عوضه اولدیک معلوم قیلکه اوزم منقست باز یقه کنگا خد او دیک اوغزی
 قوشوب اتقی منانه کم بوشک طالع کاغذ منانه اوغزی لاب دور بوب
 استقال لدر خد الار کلب جوب سور و خلعت بر بنیابلی کوان توغز
 توکورد بکوار ایوب سید لدر کلب لای توغز بوز او توغز منانه توغز
 بله ناشل دیلر دیس بوز اند کو عوضه اولدیک منک کنگا ابریم دیس
 و خالار دایر لهرن بایلر دیس مذکور اوج آدمین تفتیش اعیب
 سور افغافرد امکر بولدر عوضه اوزم من دولت اعلامه بار دین
 بایلر خطی بر بنید دیس بوب کوندین شید کوان سونای عینی اعیب کلبور
 شنبه کون خدمت نیکر دانا بیلر اوج بولدر لدر مذکور اوج آدم غ
 بوسین صفاش اعلی کفیل تور در صاحب اختیار دیس خدای
 الاولاد اجبه کون خط نیکر لدر سماعی لدر

DOCUMENT 57A TsGARUz, f. I-125, op. 1, d. 498, l. 113



DOCUMENT 58A TsGARUz, f. I-125, op. 1, d. 498, l. 31

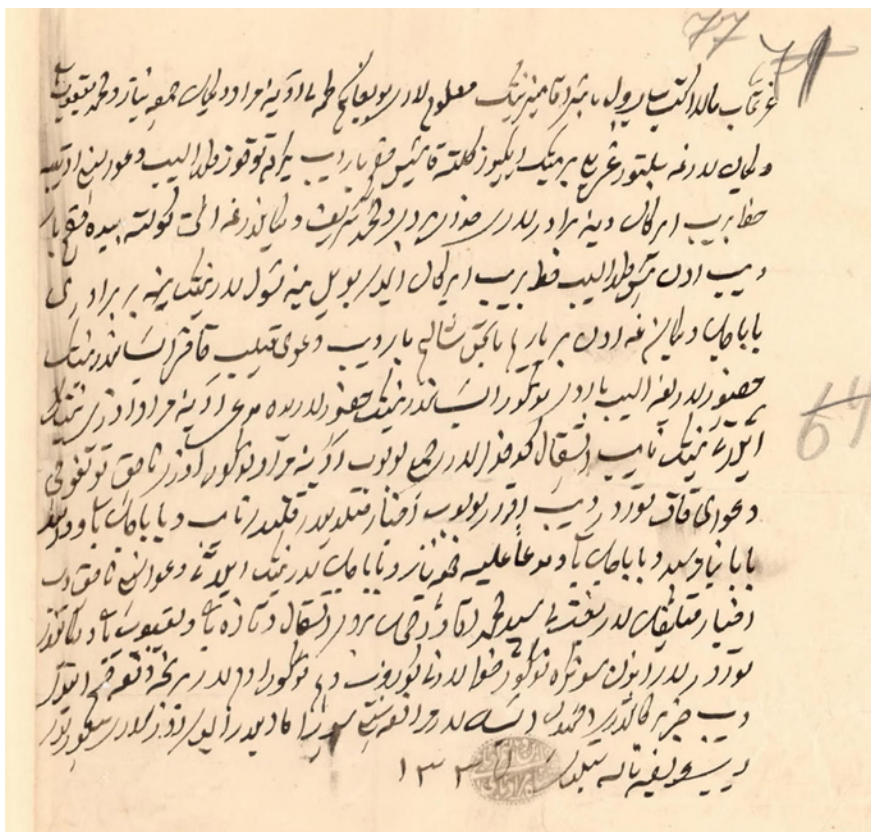


DOCUMENT 58B TsGARUz, f. I-125, op. 1, d. 498, l. 31 ob

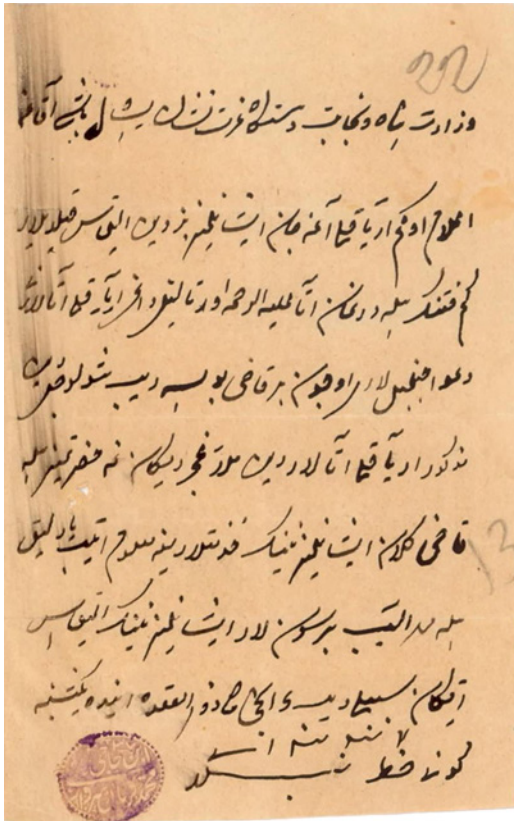
سوال الغرض

23

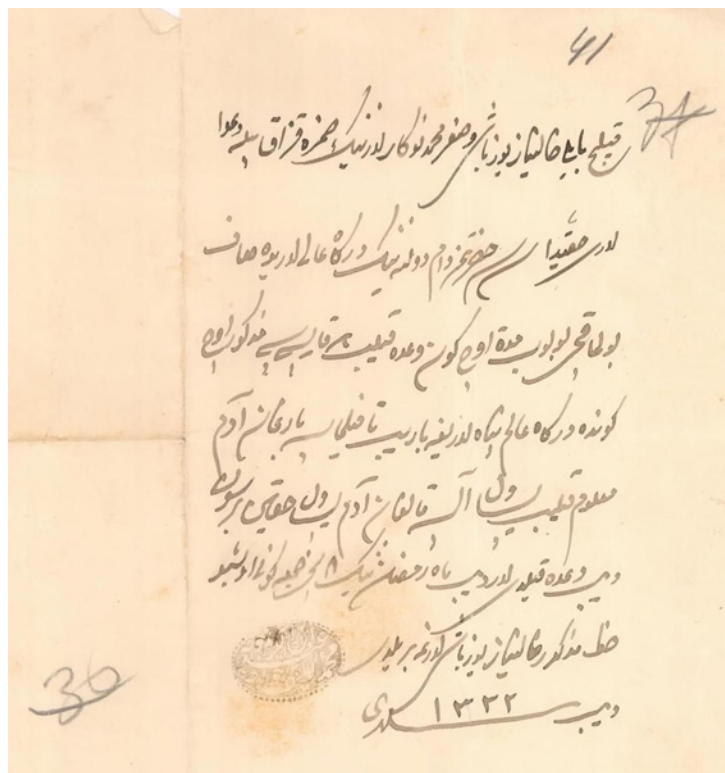
وزارت پناه حکومت دستکاپ دل و باکی آقا میرزا جناب لاریفه عرض میکنم
 دعا گویند که پناه فرخنده استقامت قلیب عای خیر نیکو است و بدست خیر
 شاه علیه الرحمه کابریب ام دولتت نیک حق لاریفه دعای خیر است
 مرید لاریفه صدقه پر ما که او چون باریب ایر دوک صدقه پناه
 خفتن این قایتب کیلیب قوشونمیرزا کیلیب کایاربان در صومیرزا
 پیر آدم دیش نفع حقیقه زلف نلوزوب و درغان ایرکان کمپین
 دین قاجیب کیکان ایکن تاینپه نظام ایکن بجای قالیب
 ایرکان اقبال بابانم باریب معلوم است قوشونمیرزا کیلیب اولوزوب
 پیرای آقانی پی پیرلا آسپی اوروندکیب بولوروب و جورت امیرزا
 اوریمیرزا اوروب کوب حقارت پیریب حریت دیب اوروب نیر
 بالکی مانکلا زلف غم اوروب قایتب نیر لازما او قوشونمیرزا
 عرض نم باریب باریب اندک اوربولغان حادثه شول تور



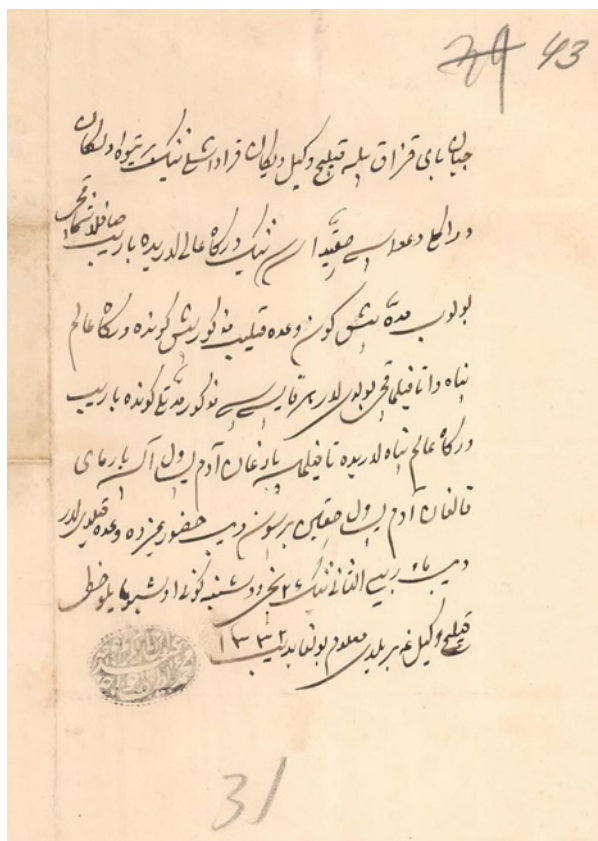
DOCUMENT 60A TsGARUz, f. I-125, op. 1, d. 498, l. 77



DOCUMENT 61A TsGARUz, f. I-125, op. 1, d. 498, l. 22

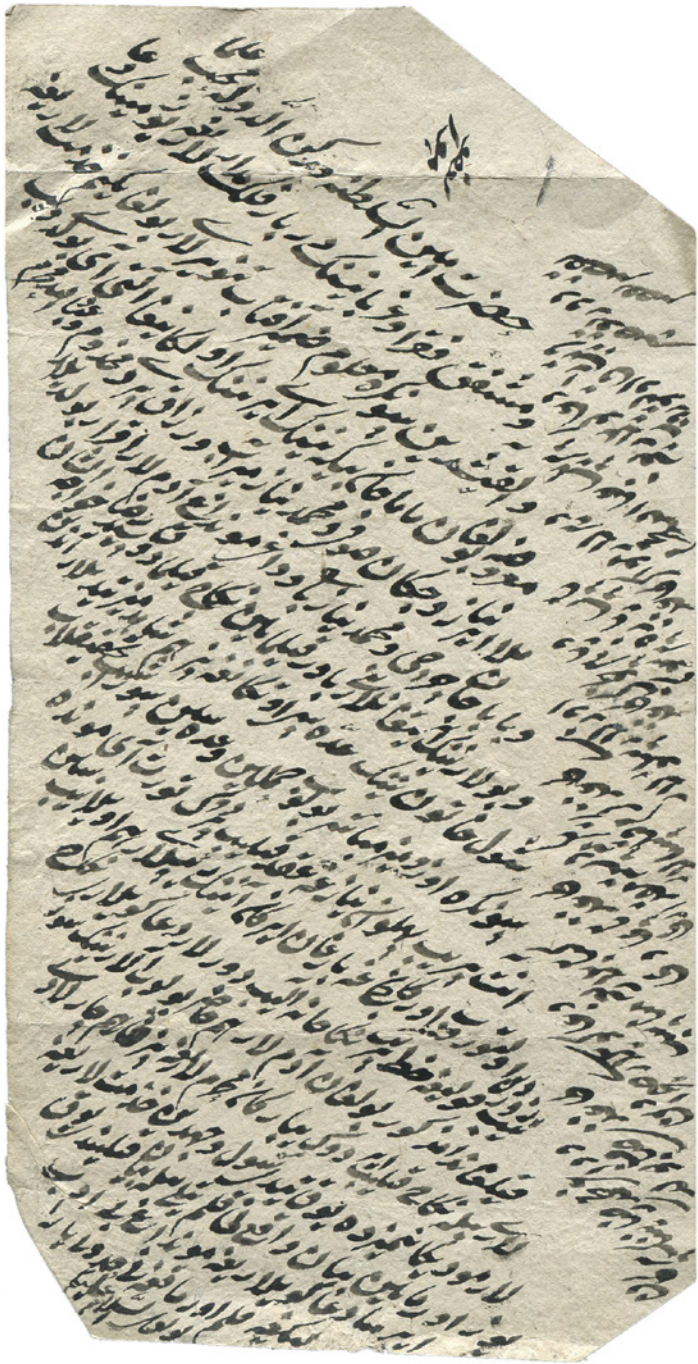


DOCUMENT 62A TsGARUz, f. I-125, op. 1, d. 498, l. 41

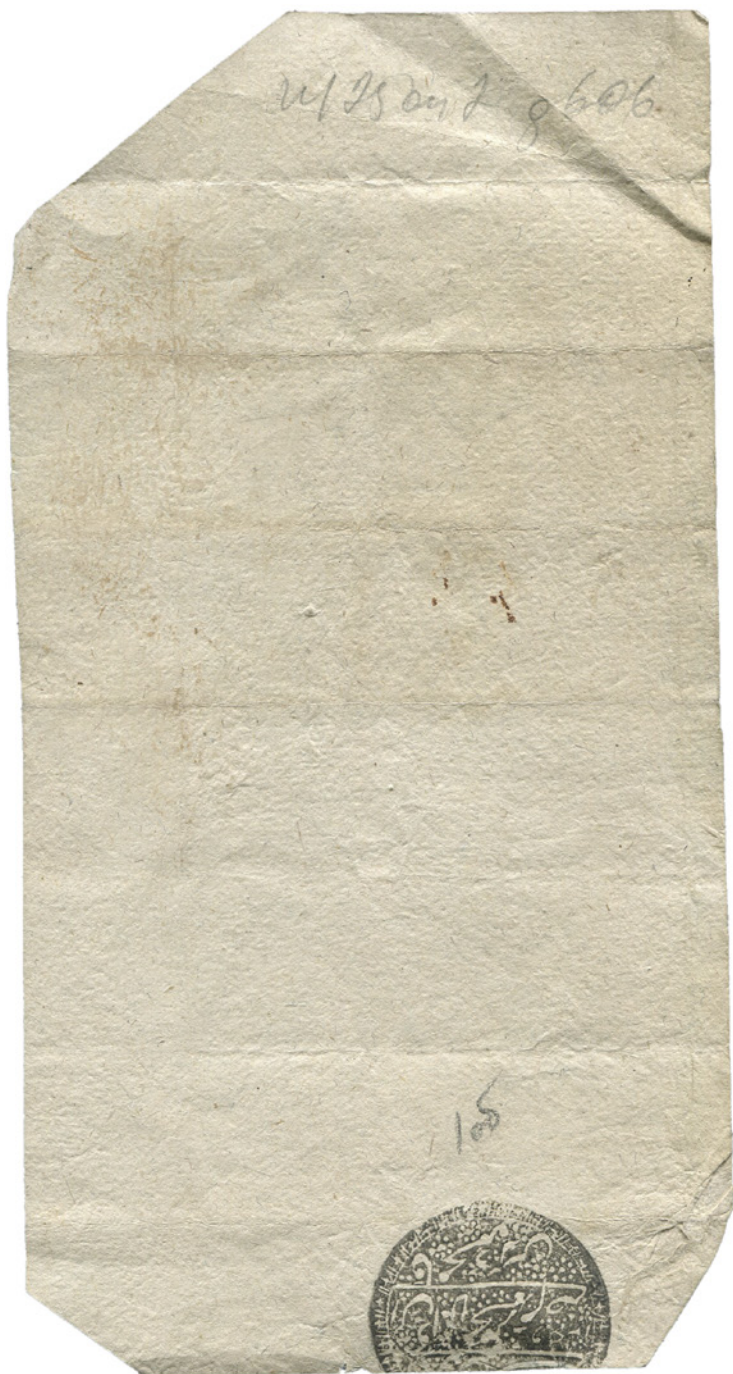


DOCUMENT 63A TsGARUZ, f. I-125, op. 1, d. 498, l. 43

Section Four

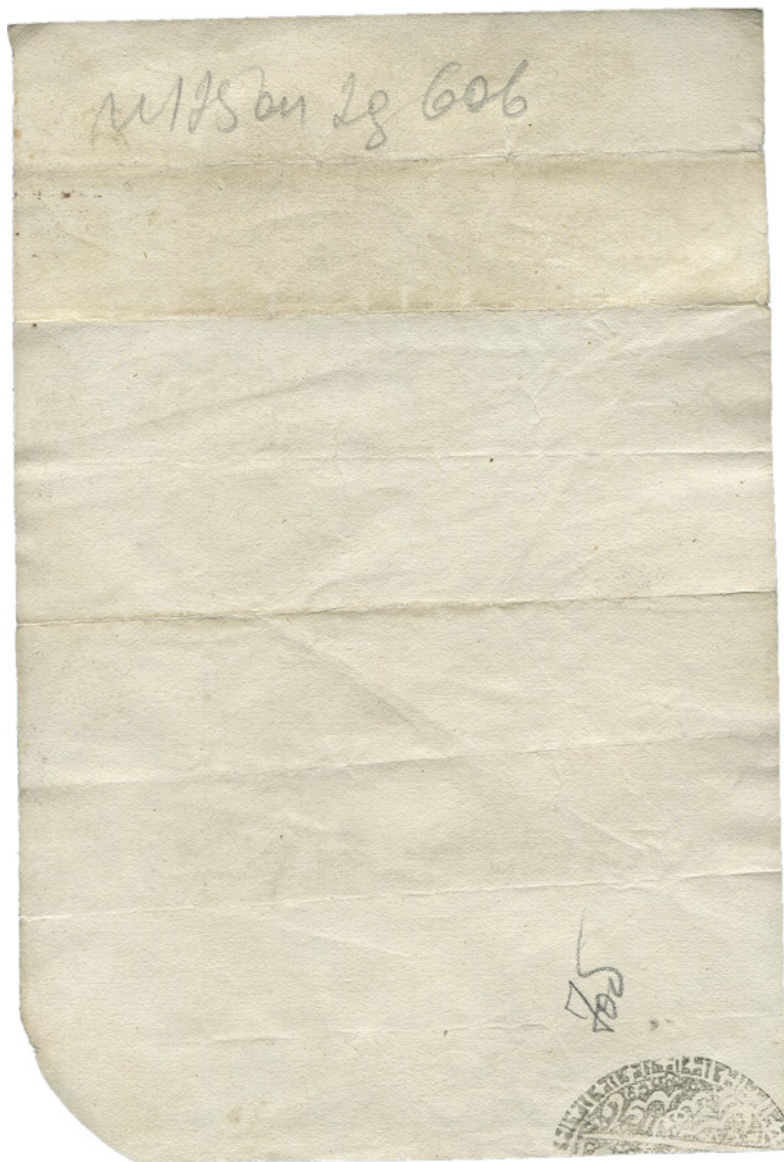


DOCUMENT 64A TsGARUz, f. I-125, op. 2, d. 606, l. 1



DOCUMENT 64B TsGARUz, f. I-125, op. 2, d. 606, l. 1 ob

قضاة اسلام و حکام زدی الاجرام نینک مسدوم لاری بوسیم
 ناجی یازدیکان بزاز من بازار پشیده بر آدم نینک برکار
 ده که نینک مالیم نه تو شور و ب دلتور و ب ابریم خدای برکان
 بر ل شفع بابا دیکان سین بود که ندین تو ر د ب مین بوز
 شمر اور و ب بر شیم نه سیند و در دیار دینه بر شیم نه بوز
 ایند ایکی شیم نه بجا فیکه دیار د ب بر شیم نه بوز
 اغرنده نه بر اینب تو زغان کیلیب عرض نیکه و خدای برکان
 بر ل شفع بابا اورغان لاریغه ارکان فیکه دیار و لاری نینک تو زغان
 لارین اوج تو زت آدم کیلیب اجبار فیکه دیار و دیگر خدای برکان
 نه کور بر ل شفع بابا نه کور شفقاری جیفنه ندین سونم شیم
 پرور میزد و عدالت نه نوی د ب صلح نینک بخریم بولوب تو زار
 لاری ب صورت و اندر عرض نینک بر ایدر اوز لاری صحت
 تو زور لاری د ب ماده شنبانه خط بند ۱۲۶۶

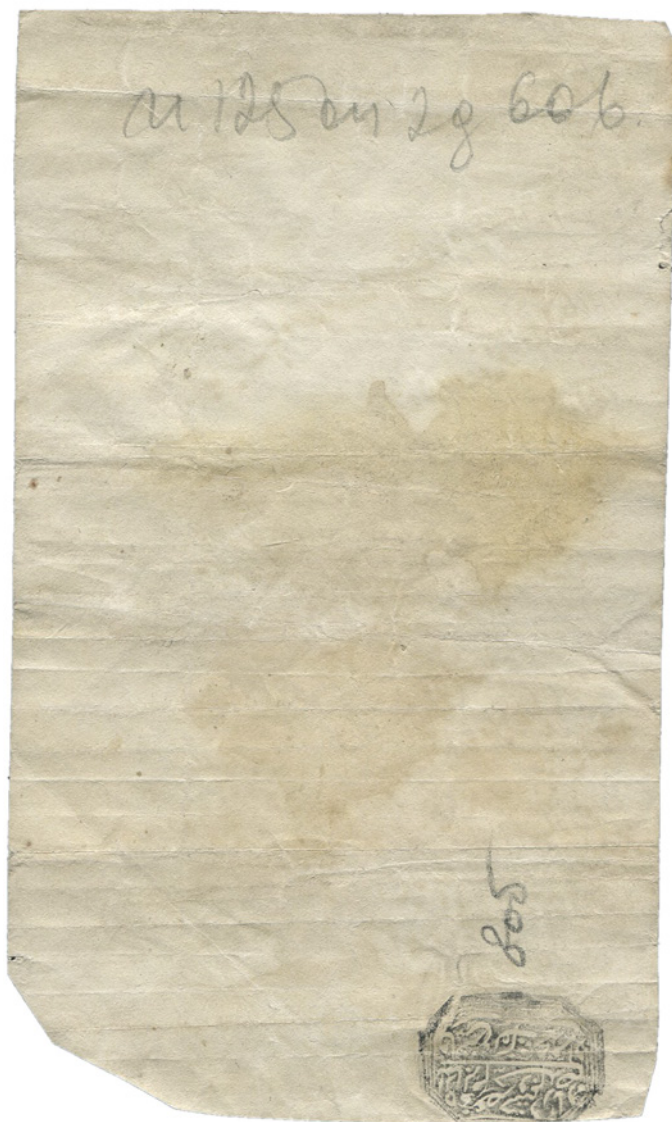


DOCUMENT 65B TsGARUz, f. I-125, op. 2, d. 606, l. 7 ob

8

نیا بیت شاه حکومت و ستمگاه و قیقه ستمکار
 نور و نیرینیک جناب کیمیا تائیه لاریفه نورینیک و عاودا
 عرض کیم مومن خواص را اعلا در نینیک او غول لار
 استانه و این نینیک اللیده مزده کسلیک مرافعه اولور
 هر جای سر خط صفا و دیار مومن خواصه انجا
 ملک و خط بر کمان اریکانه و بولار غه بالار لار
 و خط بر کمان اریکانه و بولار اریکانه و بولار
 ملک آتیب نیر لار کا خط بر یک روی و لار نینیک
 کواده عسالتیک روی و بولار کواده لار نینیک
 شمره کتیب نور و بولار نیر نینیک اللیده مزده
 صورت و واقع شوق نور و بولار نیر نینیک
 نور و لار اسلام علیکم و علی شمع الهدی و نور
 این کلام لار نور لار نور

DOCUMENT 66A TsGARUz, f. I-125, op. 2, d. 6o6, l. 8



DOCUMENT 66B TsGARUz, f. I-125, op. 2, d. 606, l. 8 ob

10
 مری
 عذر الی
 طاعت
 بجناب عالم حضرت ارکان دولت رفیع منزلت ستوده خصلت فرشته
 وللا
 باطن لاکان
 زبدة الکبری معین القوا ظہر الصفا مروج دین احمد رحای شریعت مصطفوی
 توره بیک میر بننگ خدمت لاریفہ بود عاکوی قدیم المذمت لاریفہ لاریفہ
 انکسار یوزدین عرض اخلاصی لاریفہ بیکم بوریجی دور در دیگانک نشانه
 مہربان بولوب ایرکان سیز دور در مذکور بیلہ محمد نفس و محمد بننگ کوالات
 ایک طرف بننگ کو خدا لاریفہ جمع انیب اوز دینتور لاریفہ صاف نشانی
 و بب بجان دل قبول فیلب دور در مذکور دین محمد نفس و محمد بننگ مذکور لاریفہ
 خط ببار و یک محمد نفس مذکور کلدی و محمد بننگ مذکور کلدی بلکہ انرا اوجہ
 مروب تورد بب انستوکی ابد کسہر صاحب اختیار تورد سہر نقیر
 نقیر نقیر

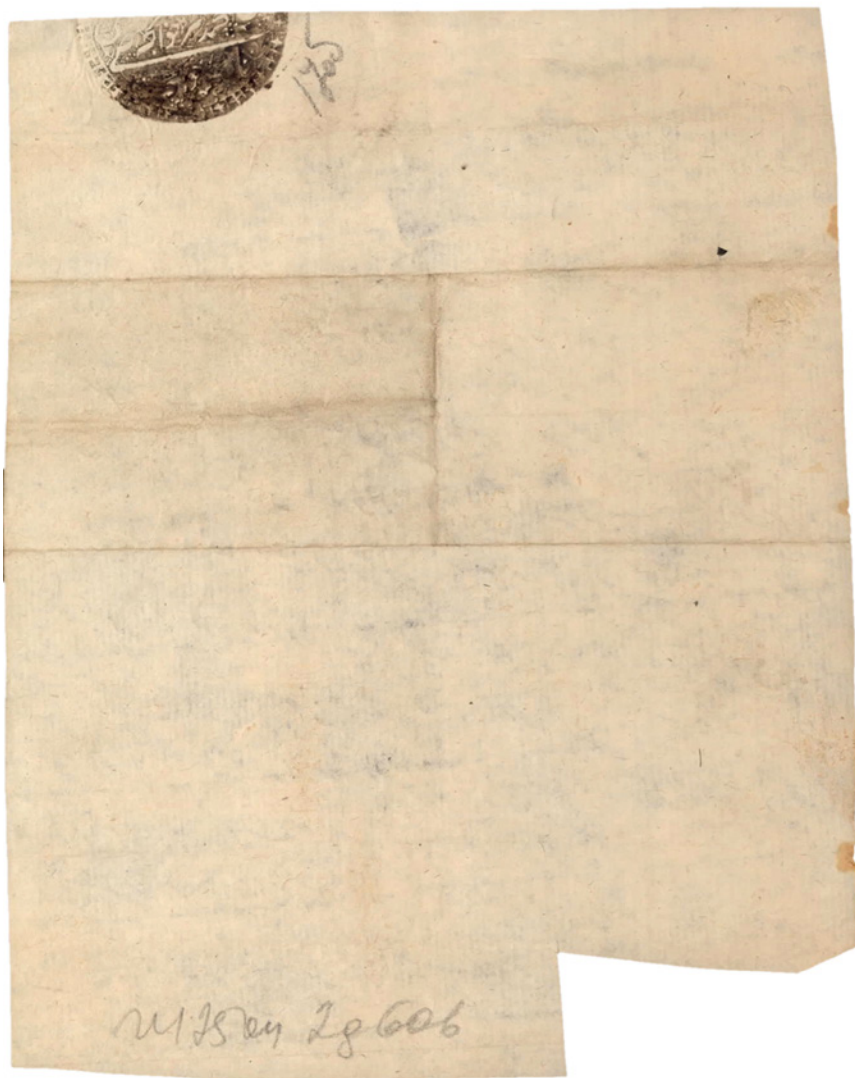
DOCUMENT 67A TsGARUz, f. I-125, op. 2, d. 606, l. 10

50
 29/12/2018 2 9606

DOCUMENT 67B TsGARUz, f. I-125, op. 2, d. 606, l. 10 ob

۱۷
 خلیفہ سلطان لا اعظم دایب الخانان المحرم حجب العالی مشفق الفقہ ابغ
 ع خلیفہ بوجیم داسل رحمت امجد کونی غازی محمد بن ول کید استیغی عبد الرحمن
 دیکان دفق تیشک غلہ سی اوجون باغاندہ پیرغزادوی انیس سولہ ای این
 سونک لیشی بدور انیسین الیب کیدری مرافقہ قیلدر انیس سولہ ای این
 سونک برولاک جمایت پند بولدر بر سولہ راست ویب ندی سونک نفر قیلدر
 التي تعمیر اور باغاندہ ملا مذکور شید اوزی تیلالمدی این سونک خفتی و قشیدہ
 عبد الرحمن مذکور حاضر بولدری ملا مذکور سولہ مرافقہ قیلدر بولدر بولدری این سونک
 کیلدر ویب شید کوز ایرینک غازی و قشیدہ عبد الرحمن مذکور کیدری ششم قایت
 باریا تور و ملا مذکور قشیدہ شید یون اوج کیشی پیرغزاد کیدر بولدر بار چیدار
 قل لاریدین باز و ویک البیتا و بولدر تورہ جقم شیمہ طر ضیم بار ویدی پیرغزاد
 حفات و ملا سی صاملا شیمون اندی سونک کیتار سیم ویدور ملا مذکور کیلدی پیرغزاد
 قیلدر ملا مذکور کیلیمس بر ویدور سولہ ای این
 قیلیمق اوجون کیتب تور و ویب حریفہ نا پیر

DOCUMENT 68A TsGARUz, f. I-125, op. 2, d. 606, l. 17



DOCUMENT 68B TsGARUz, f. I-125, op. 2, d. 606, l. 17

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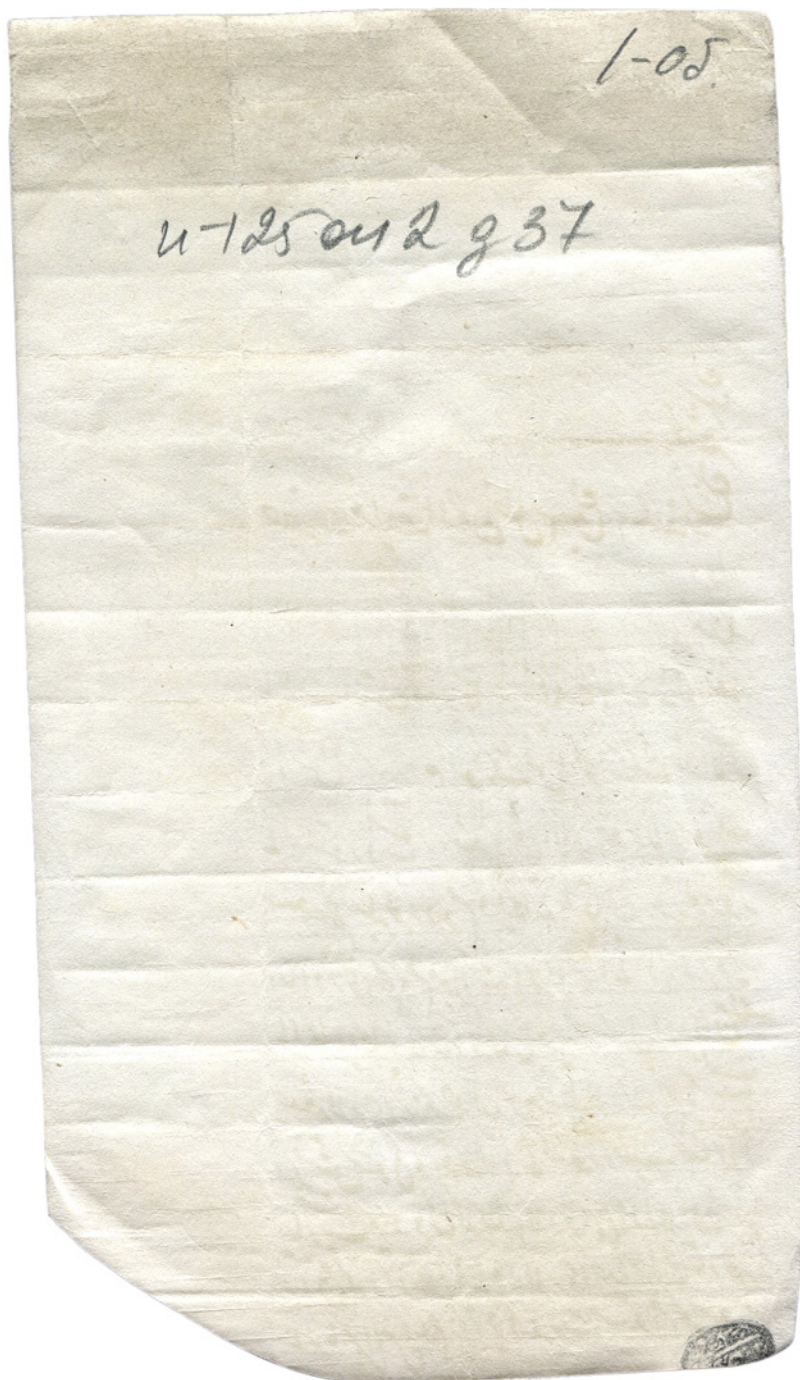
الحق عز وجل

حضرت خلیفہ الرحمن ظلہ سبحی اسکندر

دعاء

بوسید

ما یوثق الامن والامان بنک سبحان لا لاریفہ
 وبقیش اوسید من سونک عرض تو کم فتک خدا لاری
 نه کلتور و سحر شد و قی آلا رتور لاری سونک
 ضعیف منک کور و دم دیکانہ یلغان سوز کور و ر
 اما اوزی خر و میراث او کاسخ انا اولتور و ر
 ملک کا ایکا بولما قر او کاسخ و نه شول اولکان بنک
 صغیر لاری بنک قی کیدین خط لاری ہم بالیب
 ارمیش شول و رقعہ لاری سور اشب جنان لاری
 باریت بود و کد خدا لاری اسم اولکانن غشی
 راقی کور آر لاری و ز لاری صاحب حصار کور و
 لاری ما ر لاری انا م بکام و دولت مستدام بوسید



DOCUMENT 69B TsGARUz, f. I-125, op. 2, d. 37, l. 1 ob

۵
 توره بکمرنگ جناب عابدی رغبه عرضلا رغبه نوکم قره توفه
 فورا لا رغبه متبکر غرض ایتکان ایرکان لاریز نیک
 ادبته میرکارب طایفه پچ قوتیه مراد دیکان آدمینی
 پادول دیب کیشتور و عبدالحلیم صوفی دیکان
 آدمینی کوب اوروب بخروج ایتدی شول ضرب سپید
 صوفی مذکور اولدی وینه پسر مهر بابونان ایرکان پسر
 بودعاکوی لا رغبه بنز نیک آدمینه برلا و برنج کدخدالاری
 اولکان آدمینی کورونکلار دیب بودعاکویدلر شول
 موضع کدخدالاری برلا اولوکنی کوردی ارقه سیده
 کول بار ایرکان بودعاکویدلار غنه معلوم بولغان
 شوخی ۲ توره و رایحه اورلای صاحب اختیار
 توره و روضه و اسلام اسلام اسلام

DOCUMENT 70A TsGARUz, f. I-125, op. 2, d. 37, l. 5



DOCUMENT 70B TsGARUz, f. I-125, op. 2, d. 37, l. 5 ob

وکاهی سلام بانه و بلاغیه زا و غیره و بسنده تور و یکم که بعد مخفی قالی بپوش بویورغانه
 امدارین محاسن قولینزدین کیدیکانچه فیلده و قشول میت نینک بری آتی پشالین
 تور و روقل چاق تور و ریشول آتی پشال نینک یکی کونه تونم بار تور و رینه هم قراقی
 بر چکان هم بار تور و رینه بر کونه فاتی و بکونه اید و کی هم بار تور و رینه بری کپشال
 بلیت تور و راد و چه تونم بار بری قشیرل نینه بری آتی بالقی و نینه بر کونه تونم بار تور و ر
 و نینه بر آتی بالقی تقیه پسی بار تور و رینه هم بر کوک شفرمه پسی هم بار تور و ریشول آتی میت
 نینک آتی نایلی خان حضرت میت نینک یلی تور و رینه شول میت نینک یلی آتی نایلی
 یرلاری راه عامه تور و راطراف لار نینه قان هم لوق تور و رینه میان میت مند کور
 و میان میت منکیت کچینا یکممه کتاب یر تور و رینه کارنده نینک کت خدا لار
 و بیچاق نینک کت خدا لار و ارباچی نینک کت خدا لاری و مناییت نینک کت
 خدا لاری هم لاری کلیل دفن میلدوق و نینه بیچاق عمل کارلاری آگاه ایره
 ایرکان و نینه کارنده لار قاضی پیغمه خبر بر کان ایرکان و نینه منکیت کت خدا لار
 هم ایشیت کان ایرماک ایرکان

9

عوض داشت او اسبین سوزده حضرت توره پشک سوزده
 قاضی کارلار فیوض لاریز کیم نیمی یکدینیک اولغی عظیم بانی
 هر نه مضایده جوجت دواغ داشت نه بی بلو کیم جواره
 اولوب من نیکد وار کیم بو ایشیک شالی اوچون او کونیک
 امر کارلاری بلوب ایرکان بو ایشیک لارین صحه منیک لک
 او سنیکی اول برله بار ای لغی دیکچیک لارین صحه منیک لک
 بایکنانج لات نوزد اب کور دوک اغری او بر سینی قان کتیک
 و کور کیدین ناکیند کینیک و سنیان و بوزنیان و جوجت بون
 هم کوکی بار ایرکان و سنیان کوک بولغا معلوم ایراس
 بری یون و بوزلار کانه و جوبین کوک بولغا معلوم ایراس
 وینه عوض بولیم بوجا دانه وین بوزلار کانه و جوبین کوک
 کورلار برکنه یون و بوزنیان نوزد کانه و جوبین کوک
 غطیم بابی ویکان نه توندون بوزلار نیکد کانه و جوبین
 حاجب کیمتد سیمان و نوزد کانه و جوبین کوک بولغا
 غطیم کیمتد سیمان و نوزد کانه و جوبین کوک بولغا
 غطیم کیمتد سیمان و نوزد کانه و جوبین کوک بولغا



DOCUMENT 73B

Bibliography

Abbreviations

AIEARAN	Arkhiv Instituta etnologii i antropologii Rossiiskoi Akademii nauk, Moscow
GMIQ	Gosudarstvennyi muzei-zapovednik Ichan-Qal'a, Khiva
IVRRAN	Institut vostochnykh rukopisei Rossiiskoi Akademii nauk, St. Petersburg
IVANRUz	Institut vostokovedeniia imeni Abu Raikhana Beruni Akademii nauk Respubliki Uzbekistan, Tashkent
RGIA	Rossiiskii gosudarstvennyi istoricheskii arkhiv, St. Petersburg
RNB	Rossiiskaia natsional'naia biblioteka, St. Petersburg
TsGARUz	Tsentral'nyi gosudarstvennyi arkhiv Respubliki Uzbekistan, Tashkent

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